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# Appeal Decision

Site visit made on 27 July 2017

**by Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

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

**Decision date: 04 August 2017**

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**Appeal Ref: APP/Q5300/D/17/3175941**

**2 Clarendon Road, Edmonton N18 2AJ**

- 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 M Higgins against the decision of the Council of the London Borough of Enfield.
  - The application Ref 16/05551/HOU, dated 30 November 2016, was refused by notice dated 27 March 2017.
  - The development proposed is single storey rear extension extending to 6 metres.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. My attention has been drawn to a notice from the Council dated 7 November 2016, stating that prior approval is not required for a single storey rear extension 6 metres deep and 3.4 metres high. The Council has confirmed that the appeal scheme is identical to that previous one. Importantly, I also note that the Council confirmed in the same notice that the extension concerned would not be permitted development due to extending beyond the side of the original house and being more than half the width of that original house.
3. Therefore, despite the annotations on the submitted plans, no approval has already been granted for the proposed extension or any part of it, and neither would it be permitted development. There is therefore no clear fall-back position relating to the proposal and I have determined the appeal on its own merits, considering the entire proposed extension, not just that element to the rear of the existing garage.

## Main Issues

4. The main issues are the effect of the proposed development on:
  - i) the living conditions of the occupiers of Nos 2a and 4 Clarendon Road with regard to sunlight, daylight and outlook;
  - ii) the character and appearance of the host dwelling and the surrounding area.

## **Reasons**

### *Living conditions*

5. The proposed extension would be very close to both side boundaries to the property, which currently have only a moderate height screen fence or wall. Those dwellings either side also have glazed doors and windows serving ground floor rooms close to the same boundaries.
6. The proposed extension would extend significantly beyond those existing windows/doors, noticeably more than the 3 metres maximum standard set out in policy DMD11 of the Improving Enfield Development Management Document (the DMD). In respect of that policy, it would also exceed a line taken at an angle of 45-degrees from the mid-point of those nearest ground floor windows of both adjacent properties. Furthermore, it would be at a height noticeably greater than the existing boundary treatment or any that could be constructed as permitted development. As such, and due also to the close proximity to those neighbouring windows, it is likely that the proposal would have a substantial and harmful enclosing effect in respect of the outlook from the rooms to which those windows relate.
7. Notwithstanding the effect on outlook, the single storey and flat roof nature of the proposal would be unlikely to block sunlight or reduce the amount of natural daylight to those neighbouring ground floor rooms to such an extent as to be harmful. This does not however deflect from the unacceptable harm that I have found would be caused in respect of outlook.
8. The appellant states that there were no complaints from the neighbours in respect of this issue. Notwithstanding that there is one neighbour objection within the submissions, I have in any case determined this appeal on its merits based on all of the submitted evidence and my observations.
9. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of Nos 2a and 4 in respect of outlook. As such it would be contrary to policy DMD11 of the Improving Enfield Development Management Document (the DMD) which, in respect of this issue, requires proposed rear extensions to dwellings to have no impact on the amenities of neighbouring properties.
10. The Council in its decision notice also refers to Core Policies 4 and 30 of The Enfield Plan Core Strategy (the Core Strategy) and policy DMD6 of the DMD in respect of this issue. However, those relate respectively to housing quality, maintaining and improving the quality of the built and open environment, and residential character as opposed to the effect on the living conditions of neighbours. They are therefore not directly relevant to this issue.

### *Character and appearance*

11. The proposed extension would be significantly larger than any other rear extensions to dwellings in the near vicinity of the site and would substantially increase the floor area of the ground floor of the house. However, its single storey and flat roof design would ensure that it would not dominate the dwelling in a vertical sense when seen from surrounding properties. For the same reasons, together with the presence of intervening buildings and walls, it would also not be clearly visible from any public vantage points on nearby roads.

12. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling and the surrounding area. As such, in respect of this issue, it would not be at odds with Core Policy 30 of the Core Strategy and policies DMD6 and DMD11 of the DMD which together require all developments in the public realm to be of high quality; the scale and form of development to be appropriate to the existing pattern of development or setting; and for rear extensions to have no adverse visual impact.

### **Conclusion**

13. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the host dwelling and the surrounding area. However, this does not deflect from the unacceptable harm that would be caused to the living conditions of the occupiers of Nos 2a and 4 in respect of outlook.
14. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

*Andrew Dawe*

INSPECTOR