



Appeal Decision

Site visit made on 25 July 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 16th August 2017

Appeal Ref: APP/Q5300/W/17/3174824

53 Stoneleigh Avenue, Enfield, EN1 4HJ

- 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 Mr Chris Varnavides (CV Capital Ltd) against London Borough of Enfield.
 - The application Ref 17/00532/FUL, is dated 6 February 2017.
 - The development proposed is the demolition of existing garage and ancillary outbuildings to the land adjoining 53 Stoneleigh Avenue and redevelopment of site to provide 2no two-storey (2x 2-bed) houses with associated parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Chris Varnavides (CV Capital Ltd) against London Borough of Enfield. This application is the subject of a separate Decision.

Preliminary Matters

3. Following the submission of the appeal against non-determination the Council has not clarified the position it would have taken on the application if it had had opportunity to make a decision.
4. I note the correspondence between parties and the representations made in respect of the proposed site access. Based on the amended plans submitted during the course of the application which illustrate a separate access serving each proposed dwelling as well as an increase in the separation distances between the proposed development and No 53, I note that the amended plans were deemed to be acceptable from a Traffic & Transportation perspective.
5. In a later email dated 25 April I note that the Senior Planning Officer states that in spite of the amended plans the Council were not in a position to approve the scheme due to concerns relating to the reduced outlook from No 53 as well as the shape of the site leading to "crammed conditions."

Main Issue

6. Based on the information before me and from what I saw on my site visit I therefore consider that the main issue in the appeal is the effect of the proposal upon the living conditions of neighbouring occupants at No 53 in respect of outlook.

Reasons

7. The appeal site forms part of the side and rear garden of No 53, a 2-storey end of terrace property. The garden area is set at an angle to No 53 and is bounded by a tall sectional fence.
8. The proposals comprise of a pair of 2-storey semi-detached dwellings. These would be set back from the front of the terrace dwellings in order to allow for off street parking. To the rear of the proposed dwellings there would be a single storey lean-to which forms part of the kitchen/dining area. This would extend beyond the rear of No 53 and the remainder of the terrace.
9. The appellant contends that there would be no overbearing impact due to the repositioning of the proposed dwellings 2m away from No 53. A 45 degree sight line from the adjacent habitable ground floor room at No 53 would also be achieved through the erection of a rear ground floor extension to the existing house.
10. However, other than this being illustrated on the proposed block plan, I have no details of the proposed extension. No elevational plans have been submitted and I am unsure of the appearance of this and the location of any windows serving habitable rooms. Moreover, while No 53 is included in the red line site plan, the proposals before me relate only to the erection of two dwellings within the curtilage of this dwelling and as such I cannot be certain that an extension to No53 would be constructed.
11. It is clear to me that without such an extension to No 53, the development would breach this threshold and I find that the scale and positioning of the proposed dwellings would enclose and dominate the outlook from the ground floor habitable rooms to the rear of No 53, causing harm.
12. Much of the garden serving No 53 would be developed and this dwelling would be left with a rear triangular shaped garden area of around 38m² which would be bounded by a 2m high timber fence. The scale of the garden would meet with the amenity space standards as set out in Policy DM9 of the Enfield Council Development Management Document 2014 (DMD) as well as the broader design standards set out in Core Policy 4 of the Enfield Core Strategy 2010 (CS) and the London Plan 2016 (LP).
13. However, this would be significantly less than the current area enjoyed by the occupants of No 53 and would be awkward in respect of its shape. I consider that the significant reduction in scale and the shape of the remaining area would further compound the enclosing effect upon No 53 I have identified above.
14. Overall, I consider that the development would cause harm to the outlook of occupants at No 53. The development would not therefore accord with Policy 3.5 of the London Plan which requires development to take into account physical context, CS Policy CP4 and DMD Policy 7 which require that in the development of garden land, plot size, orientation and layout does not adversely affect residential amenity.

Conclusion

15. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson INSPECTOR