



Appeal Decision

Site visit made on 8 August 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 8 September 2017

Appeal Ref: APP/Q5300/D/17/3175785
6 Oakfield Road, London N14 6LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Ali Rahman against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00811/PRH, dated 22 February 2017, was refused by notice dated 13 April 2017.
 - The development proposed is a single storey rear extension 6m deep x 3.7m high (3m to eaves).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the development as contained on the Council's Decision Notice rather than the one contained on the application form as this more accurately describes the proposals.
3. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) allows for the enlargement, improvement or other alteration of a dwellinghouse. Until 30 May 2019, Paragraph A1(g) (i) of that Class makes provision, subject to conditions, for single storey rear extensions, on properties other than detached, up to 6m in length and 4m in height.
4. The GPDO at paragraph A.4 requires that details of such developments are first submitted to the local planning authority (LPA) before the commencement of development – the prior notification process. This process has a number of stages, including paragraph A.4 (3), which allows the LPA to refuse an application for prior notification where, in their opinion, the development does not comply with the conditions, limitations or restrictions applicable to development permitted by Class A. If it falls outside those requirements, an application for full planning permission would be required.
5. The Council refused the application for prior approval on the basis that the proposed development would have an overbearing effect upon the adjoining properties resulting in a loss of light and outlook and an objection had been received to the application. The provisions of Schedule 2, Part 1, Class A,

Paragraph A.1 of the GPDO requires the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

6. The main issue is the effect of the proposed development on the living conditions of nearby residents with particular regard to outlook and light.

Reasons

7. The appeal property comprises a mid-terraced dwelling located on the north side of Oakfield Road. A characteristic feature of properties in the terraced block is that they have relatively long and narrow rear gardens. In addition, the rear elevations have a small extension, occupying slightly less than half of the width of the plot, and a bay window feature which adjoin the adjacent properties. In the case of the appeal property the extension adjoins the similarly designed extension at No 8 and the bay window adjoins the bay at No 4.
8. The proposed development would involve the replacement of the existing extension with a pitched roof extension that would project approximately 6m from the main rear facade of the dwelling and would occupy the full width of the plot. It would have a 3.7m high centrally pitched roof, aligned in a north to south direction, with eaves approximately 3m high constructed above solid side walls.
9. The proposed solid flank wall of the extension would be positioned close to the rear bay window of No 4. It would project above the height of the intervening close boarded timber fence. Although No 4 has a considerable amount of vegetation growing around the rear bay window, given the proximity and depth of the proposed extension to this window, the development would have a detrimental effect on outlook. Given the narrow nature of the rear gardens and the presence of the existing rear extension at No 4, the proposal would result in an unacceptable sense of enclosure in views from the bay window which serves a habitable room. In addition, the length and mass of the solid wall of the proposed extension positioned along the property boundary would appear as an overbearing feature.
10. The rear gardens of properties on this part of Oakfield Road face north and, as such, the proposed extension would not result in any loss of sunlight or cause overshadowing. However, daylight received to windows in the rear elevation of properties is already compromised by the north facing aspect and the presence of the side walls of the existing extensions. Given the degree of enclosure that would be caused to the outlook from the bay window of No 4 as a consequence of its position between the proposed development and the existing extension at the property, the proposal would result in an unacceptable reduction in daylight received at the rear bay window of No 4.
11. The Council has referred to Policy DMD 11 of the Enfield Development Management Document (2014) (EDMD). This policy, amongst other things, requires that proposed extensions should not exceed a line taken at 45 degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties. Owing to the position of the proposed extension along the

- property boundary with No 4 and the consequential proximity to the bay window, the proposal would not meet the requirements of this policy.
12. The existing rear extensions have windows in both the rear and side elevations. The Council indicate that these existing rear extensions are approximately 3m deep from the original façade. The proposed extension would project approximately 3m beyond the rear elevation of the adjoining extension at No 8. This would result in some loss of outlook and daylight received at the window in the rear elevation of the extension at No 8. However, I have taken into account the limited depth of the proposed projection beyond the existing rear window in the extension at No 8 and the fact that this extension has dual aspect windows. These factors lead me to conclude that the loss of outlook and daylight to No 8 would not be of such an extent to that would cause demonstrable harm to the living conditions of the occupants of No 4.
13. Taking the above factors into account, the proposed extension would cause unacceptable harm to the living conditions of No 4 Oakfield Road. As such, it would be contrary to Policy DMD 11 of the EDMD. This policy, amongst other things, indicates that proposed extensions will only be permitted if there is no impact on the amenities of neighbouring properties.
14. The Council also suggests that the proposal would be contrary to Policy DMD 37 of the EDMD and Core Policy 30 of the Enfield Plan Core Strategy 2010-2025. However, these policies relate to the achievement of a high quality design and the quality of the built environment. I have no evidence to suggest how the effect of the proposed development on the living conditions of neighbouring properties would conflict with the requirements of these policies. Consequently, it appears to me that their requirements have little relevance to the main issue in this appeal and therefore I have attached little weight to these policies in the determination of this appeal.

Other matters

15. The appellant has drawn my attention to several other appeal decisions relating to development pursuant to Schedule 2, Part 1, Class A of the GPDO. However, I do not have full details of the nature of the proposals or the circumstances relating to these appeals. Consequently, I cannot be sure that they are representative of the circumstance in this appeal. In any case, I have determined this appeal on its own merits.

Conclusion

16. For the above reasons the development would be harmful to the living conditions of the occupants of No 4 Oakfield Road. Taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR