
Appeal Decision

Site visit made on 17 August 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 19 September 2017

Appeal Ref: APP/Q5300/D/17/3179393

3 Sandringham Close, Enfield EN1 3JJ

- 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 Ms Kristina Mennell and Mr Daniel January against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01705/HOU, dated 10 April 2017, was refused by notice dated 7 June 2017.
 - The development proposed is demolition of existing garage and proposed two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and proposed two storey side extension and single storey rear extension at 3 Sandringham Close, Enfield EN1 3JJ in accordance with the terms of the application, Ref 17/01705/HOU, dated 10 April 2017, subject to the following 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: OS Plan; Block Plan; 671/1; and 680/2A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 1 Sandringham Close with particular regard to outlook.

Reasons

3. The appeal property is a two storey end of terrace dwelling with an adjoining single storey garage and utility room. The single storey garage and utility room adjoin the shared boundary with No 1 Sandringham Close, a two storey semi-detached dwelling, which is orientated at an angle of approximately 45 degrees from the appeal property. The proposal seeks to demolish the single storey garage and utility room and to erect a two storey extension on their

footprint. The proposal also seeks to erect a full width single storey rear extension.

4. The single storey rear extension would extend just short of 2 metres (m) beyond the rear elevation of the appeal property. As such, it would extend alongside only a modest length of the rear garden of No 1. Thus, I do not consider that this element of the proposal, given its modest height and depth, would result in any harmful sense of enclosure to the rear garden of No 1 and would not appear unduly obtrusive in any views from any of its rear facing windows.
5. The existing single storey garage and utility room already provide some enclosure to the side garden of No 1. In addition, the side garden is considerably smaller than the rear garden of this property and is therefore unlikely to provide the main amenity space for the occupiers of No 1. Furthermore, the proposed two storey side extension would only feature in oblique views from any rear facing windows of No 1, including those on the first floor, and would be set a generous degree away from them. On the basis of these factors, I do not consider that the two storey side extension would result in any harmful sense of enclosure to the side garden of this property and would not appear unduly obtrusive in any views from any of its rear facing windows.
6. Consequently, the proposed extensions, by virtue of their siting, height, depth and proximity to the boundaries of No 1, would not appear overly dominant and would not result in an unacceptable sense of enclosure for the occupiers of No 1. Thus, the proposal would not give rise to any material harm to their outlook and would not materially affect the enjoyment of their home or garden.
7. I note that Policy DMD 14- Side Extensions, of the Enfield Development Management Document (DMD) 2014 (DMD) requires at least a 1m setback from the boundaries of adjoining properties for side extensions. There would therefore be some conflict with this policy in this regard. However, it appears that the reason for this requirement is to prevent a terracing effect out of character with the locality and to prevent adverse impacts on neighbour amenity. There would be no harmful terracing effect and there would be no material adverse impacts on neighbour amenity in this instance.
8. Accordingly, the proposal would comply with the aims and objectives of Policies DMD 11- Rear Extensions and DMD 14- Side Extensions, of the DMD, which require, amongst other things, development to respect the amenities of neighbouring properties.
9. The Council also cites conflict with Policy 30- Maintaining and Improving the Quality of the Built and Open Environment, of The Enfield Plan Core Strategy 2010. However, this policy does not specifically relate to living conditions and is therefore not of relevance to the main issue.

Other matters

10. I have had regard to the concerns of the occupiers of 1 Sandringham Close, including in respect of light, privacy and damage to property. Nonetheless, the Council has not raised any concerns in regard of these matters and, on the basis of the evidence before me and my own observations, I have no substantive reasons to take a different view.

Conditions

11. I have had regard to the planning conditions suggested by the Council. In addition to the statutory time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. A condition relating to materials is necessary in the interest of character and appearance.

Conclusion

12. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR