
Appeal Decision

Site visit made on 6 September 2017

by Stephen Roscoe BEng MSc CEng MICE

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

Decision date: 21 September 2017

Appeal Ref: APP/Q5300/D/17/3178919
232 Bury Street, Edmonton, London N9 9LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Shuive Khan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00854/PRH, dated 3 January 2017, was refused by notice dated 5 April 2017.
 - The development proposed is a single storey ground floor rear extension.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this case is the effect of the proposal on the living conditions of adjoining occupiers in relation to visual intrusion and light. The proposal would extend some 4.5m along the boundary with No 234 Bury Street. The rear elevation of No 234 includes a glazed door, with glazed panels to either side, in close proximity to the boundary. All of this glazing provides outlook from the house and light into the house.
3. The proposal would comprise a significant element of the view from this glazing. This would be to an extent that would cause unacceptable visual intrusion in terms of the outlook from this glazing and that part of the house served by it. Moreover, the depth of the proposed extension side wall from the rear of No 234 would be sufficient to be visually intrusive to users of the garden area immediately to the rear of the house.
4. The proposed extension would conflict with Development Management Document¹ (DMD) Policy DMD11 in that it would extend more than 3m beyond the original rear wall of No 234; would break the 45 degrees rule; and would adversely impact on the amenity of neighbouring property. The proposal would also not pay appropriate regard to its surroundings which would conflict with DMD Policy DMD37 and would not promote an inclusive neighbourhood as sought by Core Strategy² (CS) Policy CP30.
5. The extension would also interrupt some of the light which currently reaches the rear glazing at No 234 which I have already identified. This would result in

¹ London Borough of Enfield: Development Management Document: November 2014

² The Enfield Plan Core Strategy 2010-2025: November 2010

a further unacceptable adverse effect which would also conflict with the policies that I have already noted. That No 234 does not appear to be currently occupied does not influence my decision, as the harm that I have identified would affect any future occupiers.

6. The property at No 230 Bury Street already has the benefit of a single storey rear extension, although this has a lesser depth than that proposed at No 232. It provides an additional area to the original rear rooms of the house although, at my visit and even though this was on a bright day, the original room areas were somewhat dark. The extension and original room areas are partly lit by a half glazed door with glazed side panels. The proposed extension, being deeper than that at No 230, would restrict the light reaching this door and glazing, particularly in the afternoon. This would reduce the light entering the house to an unacceptable degree.
7. The proposal would be visible from the rear door glazing of No 230. It would however not form a large part of the view and thus would not be visually intrusive to the occupiers of No 230. The absence of harm in this respect would not offset the other harm that I have identified.
8. The properties in the terrace to either side of the appeal property do not have rear extensions deeper than 3m. The proposed extension would not therefore secure a common alignment as sought by DMD Policy DMD11. In coming to all of these views, in relation to Nos 230 and 234, I have taken into account that the appeal property already has a single storey rear extension which is of a lesser depth than that proposed.
9. I therefore conclude that the proposal would have a harmful effect on the living conditions of adjoining occupiers in relation to visual intrusion and light. I further conclude that it would thus conflict with DMD Policies DMD11 and DMD37 and CS Policy CP30. Having taken into account all other matters raised, none carry sufficient weight to alter the decision, and my conclusion is based on the evidence before me in terms of policy as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

Stephen Roscoe

INSPECTOR