
Appeal Decision

Site visit made on 3 October 2017

by R A Exton Dip URP MRTPI

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

Decision date: 12th October 2017

Appeal Ref: APP/Q5300/W/17/3181667

21 Kent Road, Southgate N21 2JH

- 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 Chris Matheou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01414/HOU, dated 29 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is described as replace existing garage at the rear of the garden with new larger garage in same position.
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Decision

1. The appeal is allowed and planning permission is granted to replace existing garage at the rear of the garden with new larger garage in same position, 21 Kent Road, Southgate N21 2JH, in accordance with the terms of the application Ref 17/01414/HOU dated 29 March 2017 and the plans and supporting information, 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: block plan of site scale 1:500, proposed floor layout scale 1:100, existing and proposed plan, existing and proposed side elevations scale 1:100 (2No drawings), existing and proposed front and rear elevations scale 1:100, all dated March 2017.
 - 3) The roof of the development hereby permitted shall be constructed in the material specified on the planning application form.
 - 4) No development shall commence until details of the materials to be used in the construction of the external walls of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is situated on the western side of Kent Road. In common with neighbouring dwellings, the rear of the property can be reached by a gated private road which has access points off Kent Road and Solna Road. There are

very limited views of the appeal site from these access points. The terraced nature of surrounding dwellings provides a visual screen that prevents any other views from the public realm.

4. A significant number of properties fronting Kent Road, Solna Road and Colne Road have garages and outbuildings to their rear, also served by the private road. Many are substantial in size and there is great variation in appearance. There are also very limited views of these buildings from the public realm for the same reasons identified above. Main views are from the rear gardens and upper floors of nearby properties.
5. I note the Council's comments regarding the apparent absence of planning permission for some of these buildings. Never the less, they now form part of the character and appearance of the area.
6. The proposal would replace an existing garage with one that would fill the full width of the plot, extend around 2m further into the rear garden of No 21 Kent Road and be around 0.1m higher. Proposed materials are described as mainly blockwork and part brick for the walls and a grey fibreglass flat roof.
7. Within the context of the eclectic mix of neighbouring garages and outbuildings the proposal would not appear out of character. Its overall size would be no greater than other similar buildings in the vicinity. Subject to appropriate colour and finish of brick and blockwork, which could be controlled by a planning condition, the appearance of the proposal would not be unduly prominent. Overall, and particularly when viewed from the rear gardens and upper floors of nearby properties, the proposal would integrate into the established character and appearance of the area.
8. In light of the above I conclude that the proposal would accord with Policies 7.4 and 7.6 of the London Plan adopted 2016, Policy CP30 of The Enfield Plan Core Strategy adopted 2010 and Policies DMD12 and DMD37 of the Development Management Document adopted 2014. These require development to be of a quality design that responds to local character.

Conclusion

9. For the above reasons and taking all other matters raised into account I conclude that the appeal should succeed.
10. I have considered the two conditions the Council have requested be imposed if the appeal is allowed. The removal of permitted development rights in relation to insertion of external windows and doors would only be justified where exercise of this right would cause harm. There is no evidence of any such harm before me and therefore this condition is not reasonable and necessary.

A material change of use of the garage would require planning permission in its own right. A condition restricting change of use is therefore also not reasonable and necessary.

11. I have imposed conditions necessary in the interests of proper planning and certainty. I have also imposed a condition specifying the roof material and a condition requiring approval of materials for the external walls as the details contained with the application are not sufficiently precise. These are necessary to ensure the development has a satisfactory external appearance.

Richard Exton

INSPECTOR