

Appeal Decision

Site visit made on 18 October 2017

by M Seaton DipTP MRTPI

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

Decision date: 03 November 2017

Appeal Ref: APP/Q5300/D/17/3178988

Land adjacent to 2 The Mall, London, N14 6LN

- 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 Justin Damaso against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01341/HOU, dated 24 March 2017, was refused by notice dated 6 June 2017.
 - The development is a rear loft dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the development on the character and appearance of the host dwelling and the area;
 - whether the proposed development safeguards the living conditions of the neighbouring occupiers of No. 2 The Mall, having regard to outlook; and,
 - does the proposed development make adequate provision for the living conditions of future occupiers of the appeal property, having regard to outlook.

Reasons

Character and appearance

3. The appeal property is comprised of a two-storey dwelling, which was recently granted planning permission in 2015 (*LPA Ref. 14/03614/FUL*), but has subsequently been the subject of non-material amendments to the bay window and in the form of the removal of roof parapets, and a retrospective planning permission for a single storey side extension. The appeal site is located within a predominantly residential area.
 4. In assessing the appropriateness of the proposed dormer extension, the Council has directed me to Policy DMD13 of the Enfield Development Management Document 2014 (the DMD). This policy sets out the various criteria to be met for roof extensions to be permitted. Of particular relevance
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for the appeal proposal is that development must *be of an appropriate size and location within the roof plane, and, in the case of roof dormers, inset from the eaves, ridge and edges of the roof (insets should normally be between 500-750mm)*. The policy continues by stating that the development must *be in keeping with the character of the property, and not dominant when viewed from the surrounding area*.

5. On the basis of the submitted plans and evidence, the roof dormer would accord with the defined insets set out within Policy DMD13 as it would be set 500mm below the roof ridge, and 750mm away from the side of the roof and up from the eaves. The dormer would be finished in zinc with dormer faces clad in matching roof tiles, which in itself would assist to a limited degree in assimilating the extension with the host dwelling.
6. Its visibility from the public realm would be limited to a view of the side face of the dormer through the gap in the streetscene between the appeal property and No. 149 Fox Lane. However, the overall bulk and scale of the roof extension would appear as an overly-dominant addition to the rear roof elevation from neighbouring properties, and in particular from rear gardens. I am satisfied that the significant scale of the roof dormer would visually overwhelm the rear of the appeal property to the detriment of the design and appearance of the dwelling.
7. I was able to observe other examples of similar rear roof dormers on properties within the wider vicinity, and have been referred to their presence by the appellant. However, I am satisfied that this style of dormer is not a positive or defining characteristic of the area, and I do not regard the existing examples as setting a desirable precedent for the reasons set out.
8. The scale and bulk of the proposed roof dormer would appear as a disproportionately large and dominant addition to the rear roof elevation of the appeal property, and would therefore have an adverse effect on the character and appearance of the dwelling and the area. The development does not therefore accord with Policies DMD13 and DMD37 of the DMD. These policies seek to ensure that development is of high quality and design-led, and that roof extensions are in keeping with the character of the property and not dominant when viewed from the surrounding area.

Living conditions – neighbouring occupiers

9. I am mindful that the Council has accepted that the proposed development would not result in any loss of privacy to neighbouring properties with all of the windows obscurely glazed and non-opening, and I would agree with this conclusion.
10. I have also had regard to the expressed concern over the relationship between the proposed dormer window and No.2 The Mall, in respect of an adverse effect on living conditions. However, given the orientation of the proposed roof extension from No. 2 The Mall, I am not persuaded that the proposed dormer window would have such an overbearing impact on the residential amenity and outlook of the neighbouring property so as to be unacceptable in this respect.
11. As a consequence, I am satisfied that the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 2 The Mall, having regard to outlook. The proposed development would therefore accord

with Policy DMD8 of the DMD and would not conflict with paragraph 17 of the National Planning Policy Framework, which seek to ensure that development preserves residential amenity and the living conditions of neighbouring occupiers of land and buildings.

Living condition – future occupiers

12. As a consequence of the incorporation of obscurely glazed and fixed windows within the roof dormer to avoid the potential for overlooking or loss of privacy, the proposed loft accommodation would be solely reliant on rooflights set within the front roof plane for outlook. In this respect I would agree with the Council's conclusion that this would result in a substandard form of living accommodation which would have an adverse impact on the living conditions of future occupiers.
13. I note that the appellant in his statement has 'conceded' this point, concluding that *a simple change of the internal layout would overcome the fenestration issue*. However, precisely what these changes might involve is unclear and no further detail or supplementary information has been adduced to support this contention.
14. As a consequence, and on the basis of the submitted evidence, the proposed development would not make adequate provision for the living conditions of future occupiers, having regard to outlook. The proposal would not therefore accord with Policy DMD8 of the DMD, which seeks to ensure that development preserves amenity in terms of *inter alia* outlook.

Other Matters

15. The appellant has contended that without the removal of permitted development rights under Condition No. 18 of the 2015 planning permission, the rear roof of the dwelling would have been capable of accommodating a rear roof dormer of 50 m³, the maximum permissible under the rights. However, this is something of a hypothetical point as the condition removing permitted development rights remains in effect in order to safeguard the living conditions of neighbouring occupiers, and a fallback position has not therefore been created.

Conclusion

16. Whilst I have not found the proposed development to result in an adverse impact on the living conditions of the neighbouring occupiers of No.2 The Mall, I have identified that the proposed development would have an adverse effect on the character and appearance of the host dwelling and area, and would not make adequate provision for the living conditions of future occupiers having regard to outlook. I find this harm to be significant.
17. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR