

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/17/3179981

76 Monmouth Road, Edmonton, London, N9 0LG

- 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 Masum Ahmed against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01185/HOU, dated 15 March 2017, was refused by notice dated 18 May 2017.
 - The development is described as 'retention use single storey rear conservatory'.
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Procedural Matter

1. At the time of my site visit the conservatory had been completed and was in use by the appellant. The development has been described by the appellant and the Council as the 'retention' of a conservatory. However, the act of retention is not defined as development in section 55 of the Town and Country Planning Act 1990, and I have therefore assessed the appeal on the basis of the following description of development.

"erection of a single storey rear conservatory"

Decision

2. The appeal is dismissed.

Main Issue

3. The main issues are;
 - the effect of the development on the character and appearance of the host dwelling and the area; and,
 - whether the development safeguards the living conditions of the neighbouring occupiers of No. 78 Monmouth Road, having regard to light, outlook, and sense of enclosure.

Reasons

Character and appearance

4. The appeal property is located within a predominantly residential area and is comprised of a two-storey semi-detached dwelling located on the southern side of Monmouth Road. The dwelling has previously been extended by virtue of a large 'wrap-around' single storey rear and side extension, and despite not
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being shown on the submitted plans and elevations, it was evident that the dwelling has also been further extended to provide a hip to gable roof extension, with a substantial dormer roof extension accommodated within the rear roof slope. A separate large detached single-storey garden building is positioned within the rear section of the garden.

5. It was evident from my observations that many other properties within the wider vicinity have also previously been extended in one form or another. In particular, I noted that the neighbouring property at No. 78 Monmouth Road possesses a large single-storey rear 'lean-to' open structure of similar scale to that previously approved on the appeal property.
6. The conservatory has added a further depth of 4.1 metres to the rear of the original dwelling on the appeal site, resulting in a total depth of extensions of 7.1 metres across the full width of the plot. In this respect, despite the contended use of generally matching materials and the single-storey nature of the development limiting its visual impact from the public realm, the cumulative impact of the extension and conservatory is of disproportionate and overwhelmingly large additions to the host dwelling. As a consequence, the addition of the conservatory fails to maintain a subordinate form of extension to the host dwelling, having an adverse effect on the character and appearance of the area.
7. I have had regard to the Council's reference to the intrusion on the established rear building line along this section of Monmouth Road. However, in this respect I am satisfied that the key aspect of the building line formed by the two-storey rear elevations is not be eroded by the conservatory.
8. The scale of the conservatory and cumulative impact with the existing extension results in a disproportionately large addition to the rear of the appeal property, which is not subordinate in its character. The conservatory therefore has an adverse effect on the character and appearance of the dwelling and the area. The development does not therefore accord with Policy CP30 of the Enfield Plan Core Strategy 2010-2025 (the Core Strategy), and Policies DMD6 and DMD11 of the Enfield Development Management Document 2014 (the DMD). These policies seek to ensure that development is of high quality and design-led, and that the scale and form of development is appropriate to the existing pattern of development and setting.

Living conditions

9. The Council has expressed concern over the impact of the depth of the conservatory on the living conditions of the neighbouring property at No. 78 Monmouth Road.
10. Whilst I have noted the absence of an objection to the conservatory from the neighbouring occupiers, I acknowledge the Council's concern regarding the conservatory breaching a '*45 degree line*' drawn from the centre point of the closest ground floor window. However, despite the overall cumulative depth of extensions on the boundary, I am mindful that the existing lean-to structure at No. 78 Monmouth Road would already appear to have a significant impact on the available light to ground floor habitable rooms for neighbouring occupiers. Nevertheless, I am satisfied that the overall scale and height of the conservatory on the boundary when considered cumulatively with the existing rear extension, undoubtedly has a limited adverse impact on outlook from the

rear of the neighbouring property, and likewise the cumulative depth of the extensions along the boundary results in a limited adverse sense of enclosure for users of the neighbouring garden.

11. As a consequence, whilst I am satisfied that there has not been an adverse effect on light available to the neighbouring dwelling, the conservatory fails to safeguard the living conditions of the neighbouring occupiers of No. 78 Monmouth Road, having regard to outlook and sense of enclosure. This would conflict with Policy DMD11 of the DMD, which seeks to ensure that rear extensions do not have an impact on the amenities of neighbouring properties.

Other Matters

12. The appellant has referred me to several other appeal decisions for which it is contended that development similar to the appeal proposal has been allowed. However, whilst I accept that the excerpts provided would suggest some similarities in terms of the details of the proposed development, in the absence of any context or the specific circumstances of the allowed appeals, I am not persuaded that these decisions have set a precedent to allow the development. Furthermore, I am mindful that each planning decision should be made on its own merits, and for the reasons which I have set out in the main issues, I have found that harm has been caused by the development in this instance.

Conclusion

13. For the reasons given above, the appeal should be dismissed.

M Seaton

INSPECTOR