
Appeal Decision

Site visit made on 21 November 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 05 December 2017

Appeal Ref: APP/Q5300/W/17/3181685
136 Galliard Road, Edmonton N9 7LP

- 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 Ozan Husnu against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00483/FUL, dated 2 February 2017, was refused by notice dated 30 March 2017.
 - The development proposed is subdivision of site and erection of 1 residential unit involving extensions to existing dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ozan Husnu against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. No 136 is positioned at a prominent corner location at the cross-roads junction between Galliard Road and Hill Rise. That junction, and continuing along Hill Rise on both sides of Galliards Road, has a distinctly fairly open and spacious character whereby the dwellings side on to Hill Rise are set away from the side boundary above single storey level. That distinctiveness is reinforced by a high degree of consistency in the rear building lines at first floor level of those properties clearly seen from Hill Rise.
5. The proposed development would be set fairly close to Hill Rise, at a distance of approximately 2 metres away. Nevertheless, it would be set away from that side boundary by a similar extent as the two storey side elevation of No 243 opposite which was approved following a previous proposal dismissed at appeal for an extension taking up the whole side garden. However, importantly, unlike that other extension, it would also project noticeably beyond the current rear elevation of the existing dwelling. As such, it would present an uncharacteristically long side two storey elevation facing towards Hill Rise in

the context of that immediate vicinity, which would also noticeably break that degree of continuity of the rear building line.

6. The proposed dwelling would therefore conflict with the pattern and grain of development in that vicinity, despite the Galliard Road front elevation continuing the design features and rhythm of that frontage, and regardless of the subserviently lower ridgeline of the rear wing compared with that of the rest of the dwelling. Despite the set off from the side boundary, the combination of the nevertheless fairly close proximity and, crucially, the depth and two storey height of the extension would also combine to materially encroach upon that fairly open and spacious character in the vicinity of the site. For these reasons, the proposal would be seen as a jarring and dominant feature of the streetscene.
7. I have had regard to the submissions relating to the density of development which is disputed by the parties. That dispute relates to different views as to whether or not the large open plan living room/dining room/kitchen of the extended No 136 should be treated as one room or not and whether the study room of that dwelling should be treated as a habitable room. However, even if I were to consider the density to be acceptable, this would not deflect from or outweigh the harm that I have otherwise found would be caused by the proposal.
8. The proposed fenestration, including front door, would in itself highlight the uncharacteristic fronting of the dwelling onto Hill Rise, in the context of the existing streetscene. However, that circumstance would be significantly disguised by the intended retention of the existing screen wall along much of that side boundary and by the main pedestrian access point being taken from the front corner of the site as opposed to directly in front of the proposed front door. Nevertheless this again does not deflect from or outweigh the harm that I have otherwise found would be caused by the proposal, regardless of that fenestration.
9. The appellant draws attention to the potential for end of terrace properties in the area to be extended at two storey level beyond the rear wall of the original dwellinghouse by no more than 3 metres as permitted development, as long as the enlarged part of the dwelling would not be within 2 metres of the site boundary. However, there are no current examples of this in the context of Hill Rise, and in any case, the two storey elements of those other properties that are side on to that street are generally set more than 2 metres away from the side boundary. The exception is No 243 which is closer to the street at the two storey height having been extended to the side, but that does not project beyond the rear elevation of the main house at two storey level as is proposed. Furthermore, under Schedule 2, Part 1, Class A(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 development is not permitted if the enlarged part of the dwellinghouse would extend beyond a wall which fronts a highway and forms a side elevation of the original dwellinghouse. No further extension to the rear of that existing extension of No 243, nor an extension to No 136 of the same form as the appeal scheme but not creating a new dwelling, would therefore comprise permitted development. I have therefore afforded little weight to this factor.
10. The appellant also draws my attention to a number of other examples of existing development in the surrounding area by way of comparison with the

various aspects of the appeal proposal. I saw that the circumstances of those other cases in terms of the context of the sites and their surroundings were generally different to those relating to the appeal site and its immediate vicinity. In any case I have determined the appeal proposal on its own merits based on all of the evidence before me and my observations.

11. For the above reasons, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. As such, in respect of this issue, it would be contrary to policies 7.4 and 7.6 of the London Plan, Core Policy 30 of The Enfield Plan Core Strategy and policies DMD6, DMD7 and DMD8 of the Enfield Council Development Management Document (the DMD) which together, amongst other things, require development to be of high quality design, having special regard to their context, that does not harm the character of the area, and to be appropriate to the existing pattern of development or setting. It would also be contrary to the National Planning Policy Framework (the Framework) which in paragraph 17 sets out that planning should, amongst other things, always seek to secure high quality design and take account of the different character of different areas.
12. The Council, in its decision notice also refers to policies DMD11 and DMD13 of the DMD in respect of this issue. However, the former refers to rear extensions whereas the element of the proposal which I have found to be unacceptable relates to the proposed dwelling that would extend to the side of the existing house, albeit that it would project beyond the line of the rear elevation of No 136 as existing. The latter policy relates solely to roof extensions whereas the proposal concerns a complete side extension, albeit that it would include extending the existing roof.

Other matters

13. The appellant claims that the proposal would meet the relevant standards relating to the living conditions of neighbouring residents and prospective occupiers. However, any such compliance does not deflect from the harm that I have found would be cause to the character and appearance of the surrounding area.
14. The proposed development would provide direct natural surveillance of that adjacent section of Hill Rise, where properties are otherwise side on to the street. Such surveillance would be an improvement on the current situation. However, I note that there is already a fairly good degree of oblique angle overlooking from the fronts of Nos 241 and 243 opposite and the first floor rear rooms of Nos 60 and 62 Elmcroft Avenue. That additional level of surveillance would therefore only amount to a small benefit to which I have therefore afforded little weight.

Conclusion

15. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
16. I acknowledge that the proposal would add to the local supply and choice of housing. However, that would only be a small benefit, relating to just a single dwelling. It would also have that small benefit of providing additional natural

surveillance of Hill Rise. Such benefits would be insufficient to outweigh the unacceptable harm that I have found would be caused to the character and appearance of the surrounding area. It would therefore not be a sustainable form of development.

17. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR