
Appeal Decision

Site visit made on 22 November 2017

by M Seaton DipTP MRTPI

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

Decision date: 07 December 2017

Appeal Ref: APP/Q5300/D/17/3180347
56 Hamilton Crescent, London, N13 5LW

- 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 Kypros Kyprianou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/02033/HOU, dated 8 May 2017, was refused by notice dated 4 July 2017.
 - The development is the increase in height of boundary fence.
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Procedural Matter

1. The application form identifies the applicant as being Mrs Athena Sofocleous, whilst the appeal has been submitted in the name of Mr Kypros Kyprianou. However, the submitted evidence indicates that as a consequence of marriage, the applicant, now highlighted as being Mrs Athena Kyprianou, has authorised her husband as identified above, to conduct the appeal on her behalf.

Decision

2. The appeal is allowed and planning permission is granted for an increase in height of boundary fence at 56 Hamilton Crescent, London, N13 5LW, in accordance with the terms of the application, Ref. 17/02033/HOU, dated 8 May 2017, and the plan numbered DWG 001.

Main Issue

3. The main issues are;
 - the effect of the development on the character and appearance of the area; and,
 - whether the development safeguards the living conditions of the neighbouring occupiers of No. 58 Hamilton Crescent, having regard to light and outlook.

Reasons

Character and appearance

4. The appeal property is located within a predominantly residential area and is comprised of a two-storey end of terrace dwelling, located adjacent to the junction between Hamilton Crescent and Hamilton Way, a short cul-de-sac which runs adjacent to the south-west boundary of the site. The appeal
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dwelling has previously been extended to the rear and possesses an area of 'raised terrace' immediately abutting the rear of the single-storey extension.

5. The appeal scheme comprises increases in the height of the boundary fencing adjacent to both Hamilton Way and No. 58 Hamilton Crescent. It was clear on the basis of my observations at the time of my visit (and as reflected in the Council's identification of the appeal scheme as being 'retrospective') that the works had been completed.
6. The Council has expressed concern that the works to the boundary adjacent to Hamilton Way has resulted in an excessive height of fencing which appears intrusive and at odds with the boundary treatments of the surrounding area. In this respect, the Council has cited 2 metres as being an acceptable height, with the existing concrete panel fencing at No. 52 Hamilton Crescent indicated as being of a more appropriate scale. I accept that the height of the boundary fence is of a more significant scale than many other observed boundary treatments. However, when viewed in the context of the existing side elevations of the dwelling and of the rear extension on to Hamilton Way, I am not persuaded that the scale of the fencing is so substantial or incongruous as to be harmful to the street scene. The visual impact of the fencing is also reduced due to its decreasing height reflecting the changing levels in the rear garden (incorporating the terrace).
7. I am therefore satisfied that the scale and height of the boundary fencing on the boundary with Hamilton Way does not result in an adverse visual impact on the character and appearance of the area. The development therefore accords with Policy CP30 of the Enfield Plan Core Strategy 2010-2025 (the Core Strategy), and Policies DMD6 and DMD37 of the Enfield Development Management Document 2014 (the DMD), and Policies 3.4, 7.4 and 7.6 of The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2015 (the London Plan). 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

8. The Council has also expressed concern over the impact of the height of the fencing on the living conditions of the neighbouring property at No. 58 Hamilton Crescent. However, I have noted that the side elevation of the existing extension is immediately adjacent to the rear elevation and fenestration of the neighbouring property, with the effect that the boundary fencing only becomes visually apparent in excess of 3 metres along the boundary from the rear of the property. In this respect, I am satisfied that the scale of the boundary fencing does not have an adverse effect on light or outlook available to ground floor habitable rooms at the rear of the property. Furthermore, I am not persuaded that the overall height of the fence results in an unacceptable impact on the levels of light and outlook available to users of the rear garden given its overall size, disposition, and the presence of existing mature trees and planting.
9. The appellant has justified the height of the fencing on the basis of protecting the privacy of the occupiers of the property, being mindful of the changing levels of the appeal site. On the basis of my observations, I am satisfied that the fencing does not have an unacceptable effect on either the light or outlook

available to the neighbouring dwelling, No. 58 Hamilton Crescent. The Council has referred me to Policy DMD11 of the DMD, although I am mindful that this policy specifically addresses the impact of residential extensions and is therefore not strictly relevant to the appeal development. Nevertheless, I am satisfied that the development does accord with paragraph 17 of the National Planning Policy Framework, which seeks to ensure a good standard of amenity for all existing occupants of land and buildings.

Conclusions

10. Representations were made to the effect that the appellant's rights under Article 8 of the Human Rights Act 1998 would be violated if the appeal were to be dismissed. However, as I have decided to allow the appeal, my decision would not lead to any violation.
11. The Council has not suggested any conditions, and I see no reason on the basis of the circumstances of the appeal scheme that any conditions would be required.
12. For the reasons given above, the appeal should be allowed.

M Seaton

INSPECTOR