
Appeal Decision

Site visit made on 23 October 2017

by S Jones MA DipLP

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

Decision date: 12 December 2017

Appeal Ref: APP/Q5300/W/17/3180282
51 Lancaster Avenue, Barnet EN4 0ER

- 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 Antoniou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01390/FUL, dated 27 March 2017, was refused by notice dated 31 May 2017.
 - The development proposed is demolition of an existing 2-storey detached single family dwelling and erection of a 5-bed single family dwelling, incorporating a basement and habitable rooms within the roof space.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Antoniou against the Council of the London Borough of Enfield. This application is the subject of a separate Decision. Comments in the appellant's statement regarding unreasonable behaviour by the Council will be addressed through the costs decision.

Main Issues

3. The main issues are the effect of the proposed development:
 - on the character and appearance of the surrounding area,
 - on living conditions at 53 Lancaster Avenue with regard to overbearing and outlook, and
 - on living conditions at 49 Lancaster Avenue with regard to overlooking.

Reasons

4. The appeal site is currently a two storey detached dwelling with detached garage in a suburban area of similar detached properties. It would be demolished and replaced with a new 5 bedroom dwelling over 4 floors, including a basement swimming pool and rear terrace.
5. The site is set down from the level of the highway on land that continues to slope away towards the far end of the garden, so that the front of the property is on higher land than the back. This makes the rear more prominent in general

views from the surrounding area. The proposed development would be three storey including dormers at the front, and four storey at the back, with a series of staggered roofs. At the rear there would be a lightwell, a large expanse of rear patio doors across two levels and a large area of projecting flat roof. It would introduce a bulkier mass extending across the majority of the site as it would build out over the area currently occupied by the garage and passageway. The development in total would be roughly 3 times deeper than the property at No 53. Its significantly more substantial size, scale, bulk and depth would be particularly dominant and intrude excessively into the garden, thereby considerably reducing some of the spacious layout and generous garden area that is generally a feature of these properties and the area.

6. The appellant's view is that the current property is poor quality and its removal would improve the streetscene. However it is apparent that the area was originally developed as an estate comprising a limited variety of recognisable repeated styles and features. Although there are examples of replacement dwellings in the area, the proposed development would not reflect the local characteristics overall and its particular mix of design features would be out of keeping and unsympathetic to the prevailing pattern of development in the area. As set out above, I conclude that it would be harmful to the character and appearance of the surrounding area.
7. In the proposed development the ground floor level would be extended all the way to the back. The drop in land levels would be excavated slightly deeper to insert a pool/bar at a new basement level. There would be a raised patio terrace with patio doors over the pool. Outside the basement pool and bar area a further patio would push out farther into the garden past the decking and patio areas of the adjacent neighbours either side. This design raised concerns about the impact on neighbouring properties.
8. Parts of the rear garden benefit from being well lined with mature trees and shrubs. However, mainly this is from the mid-point of the garden down to the end rather than up nearer the properties. Moreover, some of the greenery belongs to adjacent properties outside the appellant's control. As the Council points out, greenery onsite is not a permanent feature or secured by the development. In determining the appeal, the proposal must be assessed against its maximum potential impact on adjoining neighbours. More crucially, with regard to No 53, the large conifer hedge would not obscure the boundary where the rear flank wall would be built, and the hedging on the boundary with No 49 would not come up as far as the proposed kitchen and patios.
9. Policy DMD11 would not appear to apply insofar as it applies to rear extensions to existing properties whereas this is a new build. I have not taken issue with the building line to the front. Nevertheless, the fact that the dwellings are staggered means that No 53 Lancaster Avenue would be roughly parallel with only the first third of proposed dwelling. The remaining two thirds of the proposal would project out well beyond the rear. It would be two storey followed by single storey and the layout would dogleg around the proposed lightwell area, followed by the raised patio and steps. This would still be a very substantial intrusion close along a large section of the boundary and would result in a structure roughly 12m long enclosing the outlook to the rear of No 53. There would be a significant length of flank wall nearby the dwelling itself that would dominate the boundary and thereby have an overbearing effect on

No 53. I conclude that the development would thereby have an unacceptable effect on living conditions at No 53.

10. No 49 is parallel with the proposed main building, and would be roughly half the depth of the new development, with the basement extension and the end of the kitchen with raised patio outside projecting beyond it. The raised patio and garden patio would run alongside the adjacent property for a good distance in close proximity to the boundary and at a higher level giving a greater vantage point. No 49 has an existing patio/decking area and rear openings which would consequently be overlooked by the proposed raised patio at No 51. Furthermore, it is clear from the plans that there would be very limited extra screening on this boundary. Consequently I am not satisfied that the living conditions of No 49 would be protected from unacceptable overlooking based on the facts of the case. Therefore I consider that for the above reasons the development would adversely impact the living conditions at both its neighbours to an unacceptable degree.
11. Having identified harm to the character and appearance of the area and to the living conditions of No 53 and No 49, and taking account of all the matters raised in the appeal, there are no other matters that would outweigh that harm. Therefore I conclude that the development would conflict with the London Borough of Enfield's 2014 Development Management Document Policies DMD6, DMD8, and DMD37, and Core Strategy Policy 30 of The Enfield Plan: Core Strategy 2010-2025 and Policies 3.4, 7.4 and 7.6 of the London Plan which together amongst other things seek to secure high quality development that reflects its surroundings and protects the living conditions of nearby residents.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR