
Appeal Decision

Site visit made on 14 November 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 13th December 2017.

Appeal Ref: APP/Q5300/W/17/3181812
68 Deansway, Edmonton N9 9TZ

- 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 Ali Halabi against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00091/FUL, dated 9 January 2017, was refused by notice dated 13 April 2017.
 - The development proposed is the conversion of annex to separate dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The existing block plan¹ shows the internal layout of the building described as an annexe as subdivided to form three rooms. The proposed plan² has been erroneously titled Existing Plans but shows the proposed layout would be the same as existing but with an enlarged bathroom. The proposed block plan³ indicates the extent of the garden area and parking space.
3. On my site visit I saw that the building was constructed. The garden was also subdivided into two separate areas by a close boarded timber fence, but not in the manner indicated on the proposed block plan. For the avoidance of doubt I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues in the appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether future occupiers of the proposed dwelling would have satisfactory living conditions in respect of outlook and amenity.

¹ Ref DP/2933/PP/02

² Ref DP/2933/PP/05

³ Ref DP/2933/PP/03

Reasons

Character and appearance

5. No 68 Deansway is a semi-detached two storey dwelling with a two storey side extension, located on the corner of Deansway and No 2 Latymer Way. There is a row of mature conifer trees along the front boundary of the appeal site, and the side garden is enclosed by a close boarded timber fence. The soft landscaping along the site makes a positive contribution to the character of the area.
6. The flat roofed outbuilding is aligned with the side boundary of No 2 Latymer Way. The proposed site layout plan indicates that the conifer trees along the front boundary are proposed to be removed, and a parking space located adjacent to the back edge of the pavement.
7. The host property has been extended to the side and ground and first floor level. The proposed use of the outbuilding as a separate dwelling, with its associated parking space and sub-divided amenity area means that it would not appear as an ancillary building within the garden of No 68, and would result in an unacceptably cramped appearance within the street scene. In addition, due to the position of the building well forward of the other properties on Deansway, it would appear at odds with the existing built form. The loss of the mature landscaped front boundary to provide vehicular access would further exacerbate the harm that would be caused to the character and appearance of the surrounding area.
8. The appellant has pointed out that an outbuilding allowed at appeal at 84 Cardinal Avenue, Morden⁴ would, in the opinion of the Inspector, have no materially detrimental effect on the character and appearance of the host dwelling or surrounding area. However, in that case the building was located at the rear of the property, was not readily visible in public viewpoints and was clearly sub-ordinate to the host dwelling due to its ancillary function. As such it is materially different to the appeal before me.
9. For the above reasons I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore conflict with policies CP30 and CP37 of the Core Strategy (2010), policy DMD37 of the Development Management Plan (2014), and Policy 7.6 of the London Plan (2015). These policies require high quality development and state that development that is inappropriate to its context or which fails to have appropriate regard to its surroundings will be refused.

Living conditions for future occupiers

10. The appellant has indicated that the existing side and rear garden would be divided between the host property and the new dwelling. The proposed plan shows a garden space of 107 square metres for the new dwelling, and this has not been challenged by the Council. It would exceed the minimum requirement for amenity space set out in DMD Policy DMD9. Although much of this space would be overlooked by doors and windows in the ground and first floor of the host property, overlooking of private spaces by neighbouring properties is common within urban and suburban areas, and thus the

⁴ Appeal Ref. APP/T5720/D/14/3000403

overlooking would not be so harmful as to warrant dismissal of the appeal on this ground alone.

11. The Council has confirmed that the property would meet the minimum floorspace standard in the London Plan for a one person residential unit. A large window in the kitchen/dining room facing the proposed private amenity space and parking area would provide a satisfactory outlook for occupiers and one of the two windows to the bedroom would have a similar outlook.
12. Finally, the proposed amenity space would be large enough to accommodate suitable refuse and recycling facilities and thus I consider this could be dealt with by a condition.
13. Taking all of the above into account I conclude that the proposal would provide satisfactory living accommodation for future occupiers, and would accord with DMD policies DMD8 and DMD9, which seek to preserve amenities in terms of outlook, require quality amenity space and the provision of adequate refuse storage.

Conclusion

14. I have found in the appellant's favour in respect of the second main issue, but the harm to the character and appearance of the surrounding area is decisive.
15. I therefore conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR