



Appeal Decision

Site visit made on 29 November 2017

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2018

Appeal Ref: APP/Q5300/W/17/3181237

52 Kingwell Road, Enfield North, Enfield EN4 0HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Wolfgang Koehler against the Council of the London Borough of Enfield.
 - The application Ref 17/00511/HOU, is dated 23 January 2017.
 - The development proposed is ground and first floor extension, single storey flank extension, dormer window with loft conversion and front elevation remodelling.
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Decision

1. The appeal is allowed and planning permission is granted for ground and first floor extension, single storey flank extension, dormer window with loft conversion and front elevation remodelling at 52 Kingwell Road, Enfield North, Enfield EN4 0HY, in accordance with the terms of application Ref: 17/00511/HOU, dated 23 January 2017, and subject to the following conditions:
 - 1) The development hereby permitted shall commence not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, as submitted to the Council with the original application: 'Site Plan – 52 Kingwell Road'; Drawing Nos: 991889/A3/01 – 'Existing Site Plan'; 991889/A3/02 – 'Existing Ground Floor Plan'; 991889/A3/03 – 'Existing First Floor Plan'; 991889/A3/04 – 'Existing Roof Plan'; 991889/A3/05 – 'Existing Front and West Side Elevations'; 991889/A3/06 – 'Existing Rear and East Side Elevations'; 991889/A3/10 – 'Proposed Site Plan'; 991889/A3/11 – 'Proposed Ground Floor Plan'; 991889/A3/12 – 'Proposed First Floor Plan'; 991889/A3/13 – 'Proposed Second Floor Plan/Loft Conversion'; 991889/A3/14 – 'Proposed Roof Plan'; 991889/A3/15 – 'Proposed Front and East Elevation'; and, 991889/A3/16 – 'Proposed Rear and West Elevation'.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extensions and additions hereby permitted have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

Procedural Matters

2. The original application states that the applicant is Maisuria Architects Ltd. However, the appeal form identifies the appellant as Mr Wolfgang Koehler. The right of appeal is given only to the original applicant, as confirmed by Section 78 of

the Town & Country Planning Act 1990 (as amended). Notwithstanding this, the applicant has authorised Mr Wolfgang Koehler to act as a substitute appellant in order that the appeal may proceed. Accordingly, I have assessed and determined the appeal on that basis.

3. The Council did not issue a decision within the prescribed period. As a result, an appeal was made against the failure of the Council, as the local planning authority, to determine the application. The Council has not submitted an appeal statement. However, it has provided reasons for refusal. These relate to the impact of the proposed development on the character and appearance of the host property, its surrounding area and the wider pattern of development.
4. I have had regard to the plans submitted with the original planning application and to the plans which have subsequently been submitted to the Council resulting from discussions between the parties as part of the application process. I note that the subsequent plans indicate iterations of, and amendments to, the original proposed development and are based on advice provided by Council officers during the application process. As a result, I consider that these subsequent plans are not new to the Council. Notwithstanding this, there is no evidence before me to indicate that these latest plans have been the subject of public consultation. Accordingly, I must give limited weight to them in this appeal.
5. Therefore, based on the evidence available, including emails between the parties during the application process, I have assessed and determined this appeal with regard to the original plans submitted with the planning application. As a result, and for clarity, the plans referred to in Condition 2 of this decision letter relate to the original plans submitted to the Council in January 2017 and not to the subsequent drawings submitted after that date with the same drawing number.

Main Issue

6. From the submitted evidence, and taking the above into account, I consider the main issue to be the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

7. The appeal relates to a detached two storey dwelling which is located on the north side of Kingwell Road. The property is set back from the public highway and is situated on a substantial plot with spacious front and rear gardens. Kingwell Road is a suburban, tree lined street which culminates in a cul-de-sac at its eastern end. Whilst the properties along the street display a range of architectural styles, designs and scales, including front flat roof extensions in some cases, the locality is characterised by large, detached properties which are positioned within spacious and well landscaped plots.
8. Policy CP30 of the Enfield Core Strategy (CS) relates to development being supported which maintains and improves the quality of the built environment. Policies DMD11 and DMD13 of the Enfield Development Management Document (DMD) set out the criteria for which extensions to residential properties would be assessed and, where appropriate, would be permitted. Policy DMD37 of the DMD reiterates the aims and objectives of Policy CP30 and states that development should be of high quality design and should capitalise on opportunities to improve its surroundings. Furthermore, the policy states that where development is not suitable for its intended function, is inappropriate to its context or fails to have regard to its surroundings, it will be refused.

9. The extent of the proposed additions and extension the appeal property would substantially increase the footprint of the original dwelling, particularly to the rear. However, from my observations of properties in the surrounding area, I find that the proposal would not result in the appeal property being significantly larger in scale and extent than other nearby properties. Furthermore, I note a number of properties within the local area which feature flat roof extensions of varying styles and designs. In addition, some such extensions were observed on nearby properties at first floor level. As a result, I find that the proposed development would be similar to nearby properties in its scale and massing and its position on its plot. Therefore, in this regard, I find that the proposal would be in keeping with its context and would accord with the prevailing pattern of development.
10. The Council considers that the design, size, bulk and siting of the proposed extensions, with limited setbacks, would introduce a visually intrusive and overly dominant form of development. Furthermore, the Council takes the view in its reasons for refusal that such a form of development would be detrimental to the character and appearance of the surrounding area.
11. From what I have seen and read, I find that the majority of the proposal which the Council could consider to be visually intrusive and overly dominant would be to the rear of the property. As I observed, the rear of the property is mostly secluded from public view. Furthermore, I find that the adjacent properties to either side of the property would not be particularly affected by the proposed extensions due, in part, to the existing boundary treatments between the properties. Moreover, I note that No. 50 to the west of the appeal property has been extended to the rear. As a result, the extent of the proposal would be to a similar depth to that property. In addition, I note that although substantial, the proposed rear roof extension would reflect similar developments on nearby properties and that the first floor extensions would be set back sufficiently to limit the appearance of the property on its surroundings.
12. To the front of the property, the proposed development would alter the appearance of the dwelling, for example in terms of the size and style of windows and the removal of an upper floor window. However, I find that significant features within the front elevation such as the garage door and the position of the front door and windows would be broadly retained in proportion. Furthermore, the proposed pitched roof to the garage would introduce an improved relationship with the main roof of the property.
13. The installation of the proposed roof light would inevitably have a visual impact on the character and appearance of the property as seen from the public highway. However, in considering the overall effect of the scheme, I find that its impact on the character and appearance of the property would not be so significant as to be materially harmful. Furthermore, due to the property being set back from the street, I find that the visual impact of the proposed scheme would not have a substantive adverse effect on the character and appearance of its surroundings.
14. The appellant has submitted a consultation letter dated 28 November 2017 relating to a proposed development at 54 Kingwell Road which was received by the appellant as a neighbouring resident. Whilst I have had due regard to this and to the proposal it relates to, I have given it limited weight in my determination of the appeal scheme. Moreover, I can confirm that I have assessed and determined the appeal proposal on its own merits and circumstances.
15. The proposal would provide substantial additional accommodation at the appeal property for the appellant and their family. Although the proposed extensions and alterations to the front of the property would alter its appearance, I find that such

alterations would not be substantively detrimental to the character and appearance of the property. Furthermore, due to the wide ranging and eclectic mix of architectural styles present within the street scene, I find that the proposal would not be out of step with the prevailing character of the surrounding area.

16. Furthermore, whilst substantial, I find that the proposed extensions and alterations to the property would not result in any material adverse impact on the character or appearance of the host property. Its secluded position, particularly to the rear, would also limit its impact on views from neighbouring properties and the surrounding area. In addition, I find that the extent of the proposed development in relation to the existing property would be in keeping with the scale and bulk of existing properties nearby and the prevailing pattern of development.
17. Having had regard to all of the above, I find that the proposal would have a limited impact on the character and appearance of the property and its surroundings. Therefore, on balance, I find that such impacts would not outweigh the benefits of the proposed development.
18. Consequently, I conclude that the proposed development would have no significant adverse impact on the character and appearance of the host property, its surroundings or the wider pattern of development. It would, therefore, comply with Policy CP30 of the CS, Policies DMD11, DMD 13 and DMD37 of the DMD, Policies 7.1, 7.4 and 7.6 of the London Plan and the relevant sections of the National Planning Policy Framework. Amongst other matters, these policies and guidance seek to ensure that development is appropriate to its intended function and context and has no significant detrimental impact on the character or appearance of its surroundings.

Conditions

19. The Council did not suggest any conditions in the event that the proposed development was approved. As such, based on the evidence before me and on my assessment of the proposal, I consider the conditions in this decision letter to be necessary and reasonable in order to make the development acceptable in planning terms. Furthermore, I consider the conditions imposed to be in accordance with the relevant guidance within the Planning Practice Guidance.
20. Standard implementation conditions relating to time and compliance with the approved plans are imposed for reasons of clarity and certainty. In addition, I have imposed a condition relating to details of materials to be used on the external surfaces of the development. This has been done for reasons of character and appearance. Furthermore, it is necessary that the requirements of Condition 3 are agreed and in place prior to development commencing to ensure an acceptable development in respect of the character and appearance of the host property and its surrounding area.

Conclusion

21. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and planning permission is granted.

Andrew McCormack

INSPECTOR