



Appeal Decision

Site visit made on 4 June 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal A Ref: APP/Q5300/D/19/3224589

18 Berkshire Gardens, Palmers Green, London N13 6AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Yuksel & Seval Cakir against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/04408/PRH, dated 13 November 2018, was refused by notice dated 20 December 2018.
 - The development proposed was originally described as single storey 6 metre rear extension.
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Appeal B Ref: APP/Q5300/D/19/3224590

18 Berkshire Gardens, Palmers Green, London N13 6AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr & Mrs Yuksel & Seval Cakir against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/04748/PRH, dated 7 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed was originally described as single storey 6 metre rear extension.
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Procedural Matters

2. As set out above, there are two appeals on this site. They differ only in relation to the height of the proposed extensions. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together except where otherwise indicated.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority

to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made on the same basis.

4. The description on the Council's decision notice in respect of the proposal under **Appeal A** provides additional information on the dimensions of the proposal stating 'Single storey rear extension 6m deep x 3m high (2.7m high to eaves)'.
5. For **Appeal B** the description given on the decision notice is 'Single storey rear extension 6m deep x 3.5m high (3m high to eaves)'.
6. I have considered the proposals on the basis of these more detailed revised descriptions and the accompanying plans in each instance.

Main Issue

7. For both appeals, the main issue is the effect of the proposed extension in each case on the living conditions for occupants of the neighbouring dwellings at Nos 16 and 20 Berkshire Gardens with particular regard to levels of outlook and light.

Reasons

Appeal A:

8. The design of the neighbouring ground floor rear extension at No 20 Berkshire Gardens varies in depth. It is of reduced depth adjacent to the boundary with the appeal site with a clear glazed window to the rear elevation. This window sits between the boundary and the deeper part of the extension at No 20. There is a further window on the side elevation of the neighbouring extension also facing the boundary. The development would be of greater height than the existing boundary wall. The bulk and height of the extension and its close proximity to these neighbouring windows would increase the sense of enclosure experienced by the occupants of No 20. This would be particularly the case from the rear facing neighbouring window given its position relative to built form on either side. As a result, the proposal would have a detrimental impact on the levels of light and outlook experienced by the occupants of No 20.
9. The development would also extend past the ground floor rear elevation of the extension at No 16 Berkshire Gardens. However, the alignment of the ground floor rear elevation of No 16, the degree to which the proposal would extend past it and the spacing to the rear of this neighbouring extension would ensure that suitable levels of outlook and light would be retained for the occupiers of No 16. However, this does not overcome the harm I have identified to living conditions for the occupants of No 20.

Appeal B:

10. I have already found that the bulk, height and proximity of the development under Appeal A would be detrimental to the living conditions of the occupants of No 20. Given the proposal under Appeal B is of greater height, it would have a similar if not greater detrimental impact on the living conditions for the occupants of No 20.

Other Matters

11. The appellants contend that they have lived with extensions either side of their property and, in their experience, there would not be a detrimental impact on neighbouring living conditions. However, the relationship of the windows on the rear elevation of No 18 with neighbouring extensions is not the same as that which would be experienced by No 20 given the design of this neighbouring extension and the spacing retained to windows.
12. The appellants argue that No 22 Berkshire Gardens has an extension over 6.0 metres in depth and they were aware of an intention of the residents at No 20 to extend a similar distance. As set out under my reasoning, whilst I noted the extension at No 20 does extend to such a distance at its greatest depth, this element of the neighbouring extension is set in from the boundary with the appeal site. I have not been provided with the full details of the planning history of these neighbouring dwellings and I must assess the proposal based on the current site circumstances and relationship of the proposal with neighbouring living conditions.
13. Costs incurred in submitting the applications are not a material planning consideration. Any improvements in the maintenance and quality of the host building is not a matter which would overcome the harm identified. The availability of the Council's Planning Officers and the adequacy of information provided by the Council to the appellant after the proposal was refused is not a matter for me to assess.

Conclusions

14. To conclude, the development proposed under both **Appeal A** and **Appeal B** would have a detrimental impact on the levels of outlook and light experienced by the occupiers of No 20 Berkshire Gardens. The Council has referred to Policy CP30 of The Enfield Plan Core Strategy 2010 – 2025 (2010) and Policies DMD 11 and DMD 37 of the Enfield Council Development Management Document (2014) on its decision notice. These policies amongst other things seek to maintain and improve the quality of the built environment, state that development which fails to have appropriate regard to its surroundings will be refused and specify maximum dimensions for single storey extensions seeking to secure a common alignment of rear extensions. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, these policies are relevant to the planning judgement to be made on the main issue along with Paragraph 127(f) of the National Planning Policy Framework (the Framework) which seeks to protect the living conditions of existing neighbours.
15. For the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

M Russell

INSPECTOR