



Appeal Decision

Site visit made on 6 August 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/Q5300/C/18/3217812

All that land known as 80 The Limes Avenue, London N11 1RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Andre Mariotte against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The enforcement notice, numbered ENF/17/0830, was issued on 20 November 2018.
 - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of an external staircase (outlined in blue on the attached plan for identification purposes) to the side of the premises.
 - The requirements of the notice are:
 - Remove the unauthorised external staircase (outlined in blue on the attached plan for identification purposes).
 - Remove the door and frame in the side elevation of the premises at first floor level and make good.
 - Remove all resulting materials from the premises.
 - The period for compliance with the requirements is two calendar months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Summary Decision

1. The appeal is dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

Preliminary Matters

2. The notice alleges the unauthorised erection of an external staircase to the side of the premises. The requirements of the notice, at paragraph 5.2, also include the removal of the door and frame at first floor level and make good. However, that requirement exceeds what is alleged in the breach of planning control. As a result, I will vary the notice to remove paragraph 5.2.
3. Other appeals were made against the enforcement notice but it was only necessary for one appellant to pay the fee in order for ground (a) and the deemed planning application to be considered¹. Mr Andre Mariotte paid the fee for his appeal but the other appellants did not so their appeals have lapsed.

¹ Appeal reference APP/Q5300/C/18/3217813 and APP/Q5300/C/18/3217814

The Appeal on Ground (a) and the Deemed Planning Application

Main Issue

4. The effect of the external staircase to the side of the property on the character and appearance of the existing and neighbouring buildings, and surrounding area.

Reasons

5. The Limes Avenue and surrounding roads comprise a mix of residential development including detached, semi-detached and terraced two storey houses. There are narrow gaps between dwellings that provide access to the rear garden areas.
6. 80 The Limes Avenue is a semi-detached two storey dwelling with rooms in the roof. I understand the son of the owner and his family occupy the top floor. The gap between this property and the detached neighbour at no. 78 is narrow. That, combined with the tall hedge adjacent to the boundary, means that visibility down that gap is limited.
7. The metal staircase is set within the gap between nos. 78 and 80. I understand that it does not extend the whole way to the ground in order to retain access beside the property to the garden, with a ladder that can be extended down to provide access to the ground. However, the lower part of the staircase is not visible behind the solid gate to the side of the property.
8. The metal staircase is in a discrete location to the side of the property with limited visibility from public vantage points on the road to the front. Although there are open treads and balustrade around the small platform at the top, it is a relatively solid addition that largely fills the gap between nos. 78 and 80. Consequently, it is a somewhat incongruous addition to the property.
9. For these reasons, I conclude that the external staircase to the side of the property harms the character and appearance of the existing and neighbouring buildings, and surrounding area. As such, it conflicts with Policies DMD 14 and DMD 37 of the Development Management Document, Policy CP30 of the Enfield Plan Core Strategy and Policies 7.4 and 7.6 of the London Plan seeking high quality design that makes a positive contribution to the area, has appropriate regard to its surroundings and is appropriate to its context.
10. There are a small number of other metal staircases in similar locations within the area that appear to provide access to upper floor flats, but it is unclear whether or when these were permitted. As these have similar adverse effect on the character and appearance of the buildings and surrounding area, they would not support provision of such a staircase in this instance.
11. I note that the proposed staircase was provided to enable access to the top floor during works to that floor and is intended to provide an emergency exit for occupants, for example in the case of fire. However, it is unclear precisely why it is required or whether such a solution is necessary to meet relevant regulations. Consequently, this would not outweigh the harm I have found to the character and appearance of the area.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

13. It is directed that the enforcement notice is varied by substituting the requirements at section 5 with the following:
- 5.1 Remove the unauthorised external staircase (outlined in blue on the attached plan for identification purposes).
 - 5.2 Remove all resulting materials from the premises.
14. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

AJ Steen

INSPECTOR