



Appeal Decision

Site visit made on 6 August 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/Q5300/W/19/3229024

48 Hoodcote Gardens, Southgate, N21 2NE

- 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 S Shengaris against the Council of the London Borough of Enfield.
 - The application Ref: 19/00848/HOU is dated 5 March 2019.
 - The development proposed is ground floor rear extension, front porch and first floor extensions with new roof over.
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Decision

1. The appeal is allowed, and planning permission is granted for a ground floor rear extension, front porch and first floor extensions with new roof over at 48 Hoodcote Gardens, Southgate, N21 2NE in accordance with the terms of the application Ref: 19/00848/HOU dated 5 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings; Location plan, 2935/1 Survey as existing, 2935/2 Survey as existing, 2935/6, 2935/7 and 2935/8.
 - 3) The external finishing materials shall match those used in the construction of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in either side elevation of the development hereby approved.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (England) (or any order revoking and re-enacting that Order with or without modification), no balustrades or other means of enclosure shall be erected on the roof of the rear extension. No part of the roof of the rear extension shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

Main Issues

2. The Council has not provided an appeal statement or indicated whether it would have refused planning permission had it been in a position to have made a decision within the statutory timescale. Taking into account the location and form of the proposed development, I consider that the main issues are the effect of the proposal on i) the character and appearance of the area and ii) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

3. Hoodcote Gardens is a mature residential area comprising predominantly semi-detached 2 storey dwellings, although some are detached, and some have accommodation within the roof space. The appeal property, however, is a bungalow, one of three which appear as something of an anomaly in the street scene, with rooms within the roofspace. The road falls to the north in the vicinity of the appeal property and the dwellings step down the hill.
4. The proposed development would result in the creation of a 2-storey dwelling form with a hipped roof which would be in keeping with the form and appearance of the majority of the dwellings in Hoodcote Gardens. It would be comparable in height to the adjoining 2-storey property to one side, 50 Hoodcote Gardens, and although it would be higher than the bungalow to the other side, 46 Hoodcote Gardens, this would reflect the current relationship between No. 48 and No. 50.
5. The proposed porch would be no wider than the existing garage to the side of the appeal property and would not project beyond the existing front elevation of the property. It would therefore not cause harm to the character and appearance of the area. The proposed rear extension would not extend beyond the existing rear elevation of No. 46, would be proportionate in scale and acceptable in terms of design.
6. For the above reasons, I conclude that the proposed development would comply with Core Policy 30 of The Enfield Plan Core Strategy 2010-2025 (EPCS), Policies DMD 11, DMD 14 and DMD 37 of the Development Management Document (2014) (DMD) and Policy 7.4 of The London Plan (2015) (LP) in so far as these policies seek to protect the character and appearance of an area.

Living conditions

7. The proposed development would result in the side wall of the dwelling directly facing a dormer window in the side roof slope of No. 46 and a window in the side elevation of No. 50. As these are at first floor level, I do not consider that the proposed development would result in an unacceptable loss of daylight, sunlight or outlook.
8. There are windows at ground floor level in the side elevation of No. 46 facing No. 48 which would be more affected by a loss of daylight and outlook. However, the principal outlook and source of daylight to No. 46 is to the front and rear, which would not be materially affected by the proposed development. The degree of loss of daylight and outlook from the ground floor side windows

of No. 46 would therefore not be significantly harmful to the living conditions of the occupiers of No. 46.

9. The first-floor windows in the side elevations of the proposed development are proposed to be obscure glazed and non-opening below 1.7 m from floor level so as to avoid overlooking of the properties either side. The first-floor windows in the rear elevation of the proposed development would afford views into the rear gardens of No. 46 and No. 50, but as the first-floor extension would not project beyond the existing rear elevation of the appeal property, these views would not be significantly greater than those from the upper floor of the existing dwelling.
10. For the above reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of any neighbouring property including the occupiers of Nos. 46 and 50. I therefore conclude that the proposed development would not conflict with Policies DMD 8 and DMD 11 of the DMD and Policy 7.6 of the LP which seek to protect the living conditions of the occupiers of neighbouring properties.

Conditions

11. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
12. In the interests of the living conditions of the occupiers of neighbouring residential properties, there is exceptional justification for imposing planning conditions which remove specified permitted development rights.
13. In the interests of the character and appearance of the area, it is necessary to impose a material planning condition.

Conclusion

14. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should succeed.

Martin Small

INSPECTOR