The Planning Inspectorate

Appeal Decision

Site visit made on 20 May 2019

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2019

Appeal Ref: APP/Q5300/D/19/3225037
54 Kingsfield Drive, Enfield, Middlesex EN3 6UB

- 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 A Jackson against the decision of the London Borough of Enfield.
- The application Ref 18/04175/HOU, dated 25 October 2018, was refused by notice dated 21 December 2018.
- The development proposed is a rear conservatory.

Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory at 54 Kingsfield Drive, Enfield, Middlesex EN3 6UB in accordance with the terms of the application, Ref 18/04175/HOU, dated 25 October 2018, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with approved plans 001, 002 Rev A, site location plan and block plan.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the existing property and the area and the living conditions of neighbouring residents, in terms of loss of sunlight, daylight and outlook.

Reasons

Character and appearance

3. Policy DMD11 of the Enfield Development Management Document (2014)(DMD) requires that single storey rear extensions do not have an adverse visual impact, are limited to 3 metre in depth and achieve a 'common alignment'.

4. Given that the proposal would be a standard single storey hipped roof conservatory design with a limited mass and bulk, it would not be overly dominant or out of character when viewed in the context of the existing dwelling. Whilst the existing extension and proposed conservatory would have a combined depth of 6 metres, the two different building forms would provide a visual break within the overall single storey structure. Consequently, the

proposed conservatory would not harm the character or appearance of the host dwelling.

5. The combined single storey extension and proposed conservatory would be 6 metres in depth and would project beyond the single storey rear extensions of both adjacent properties, Nos 52 and 56 Kingsfield Drive. At my site visit I observed that a large number of properties in the area include rear extensions of varying depths. Whilst the proposed conservatory would project further into the rear garden of the dwelling than nearby extensions, I do not consider that the difference in overall depth would be so significant that it would be detrimental to the character or appearance of the area. Furthermore, the rear garden location means that it would not be easily visible from the public realm and therefore it would not be obtrusive within the wider area. In view of this, the scheme would not harm the character or appearance of the area.

6. Whilst the proposal would meet the requirements within DMD Policy DMD11 criterion 1 in relation to rear extensions, it would not comply with the criteria set out for single storey extensions in relation to character and appearance (DMD11 criteria a and b). The scheme would exceed the 3 metre depth limit and would not secure a common alignment of rear extensions. However, as described, taking into account the context of both the existing dwelling and the area in this instance this is considered to be acceptable as the proposal would not harm the character and appearance of the host dwelling or area.

7. The proposal would accord with Policy CP30 of the Enfield Core Strategy (2010)(CS), DMD Policies DMD6 and DMD37 and Policies 7.4 and 7.6 of the London Plan (2016) which, taken together, seek to secure high quality design which responds to the character and appearance of the existing dwelling and area.

8. I conclude the proposed conservatory would not harm the character and appearance of the existing dwelling or the surrounding area.

Living conditions

9. The proposed conservatory would extend beyond the rear elevations of the adjoining properties, Nos. 52 and 56 Kingsfield Drive, and would sit adjacent to both side boundaries. I note the proposed extension would not respect the 45 degree rule in regards to No.56. However, this would be a single storey glazed structure with a hipped roof and would include a wallplate which is lower than the existing extension. Taking all of this into account, as well as the extent of the proposed projection in the context of both neighbouring properties, in my view, the proposed conservatory would be unlikely to significantly obstruct the level of sunlight or daylight or create a sense of enclosure or overbearing to those properties.

10. Whilst the proposal would not meet DMD Policy DMD11 criterion 2b, in terms of the 45 degree rule, as described, this is considered to be acceptable in this instance on the basis that this would not unacceptably harm the living conditions of neighbouring residents. The proposal would comply with Policies DMD8 and DMD37 and CS Policy CP30 which seek to protect the living conditions of neighbouring properties. I therefore find the proposed conservatory would not harm the living conditions of neighbouring occupiers.

Conditions

11. I impose conditions regarding timescales and setting out the approved plans to provide certainty.

Conclusion

12. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

Rebecca McAndrew

INSPECTOR