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## Appeal Decision

Site visit made on 1 October 2019

**by M Heron BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> October 2019**

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**Appeal Ref: APP/Q5300/W/19/3222419**

**97 Chiswick Road, Edmonton N9 7AP**

- 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 Joao Pereira against the decision of the Council of the London Borough of Enfield.
  - The application Ref 18/04071/FUL, dated 19 October 2018, was refused by notice dated 14 December 2018.
  - The development proposed is the conversion of a single family dwellinghouse into (1 x 3-bed, 1 x 2-bed) dwellings involving part single, part 2-storey rear extension, conversion of garage into habitable room involving alterations to front elevation.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The planning application was made by Mr Joao Pereira. The name on the appeal form is Mr John Johns. The right of appeal rests solely with the original applicant. However, the appellant has subsequently confirmed in writing that the appeal can proceed in Mr Pereira's name, and I have determined the appeal accordingly.
3. The description of development in the appeal form matches that within the Council's decision notice. It is more concise than the description provided within the application form. Accordingly, I have used it in the heading above.

### Main Issues

4. The main issues are the effect of the proposal on:
  - the living conditions of the occupants of No 99 Chiswick Road, with particular regard to outlook and access to daylight; and
  - the character and appearance of the original building and surrounding area.

### Reasons

#### *Living Conditions*

5. No 97 is a two storey, mid-terraced, property located within a residential area. It is rather unusual in its design in that it has the appearance of a double fronted dwelling in a street of narrower properties. In common with many neighbouring properties, No 97 has a two storey outrigger to its rear with a

small adjoining single storey element to its side. These features cover roughly half of the full width of the dwelling.

6. The proposal seeks planning permission to convert the single dwellinghouse into two separate dwellings (a three-bedroom property and a two-bedroom property). To facilitate this, a part two storey/part single storey extension would be constructed to one side of the property which would adjoin the existing rear outrigger. In addition, there would be alterations to the front of the property. These would include a new bay window to replace the existing garage doors and a new front door adjacent to the existing front door.
7. No 99 adjoins the appeal property to the north. The proposal would draw built form closer to the side boundary with this neighbouring property. The proposed first floor extension would be close to, and visible from, the nearest first floor rear window at No 99, which appears to serve a habitable room. In addition, Policy DMD11 of the Improving Enfield Development Management Document (DMD) specifically requires that first floor extensions do not exceed a 30 degree sight line taken from the mid-point of the nearest original first floor window in any adjacent property. The submitted plans show that such a sight line would be breached.
8. In my view, and on balance, I am therefore not satisfied that the proposed first floor extension, by virtue of its overall depth, would not be seen as an oppressive and overbearing feature when viewed from the nearest first floor rear window at No 99. In addition, with regard to the orientation of the properties, its depth would also be likely to cause some limited loss of daylight to this window. This adds to the harm identified above.
9. Notwithstanding the above, I note that there is a side facing window within an adjacent single storey element to the rear of No 99 which faces the appeal site. However, on site this window did not appear to serve a room in which the occupants of No 99 would spend a considerable period of their time. I have no evidence before me to the contrary. In addition, this adjacent single storey element at No 99 is served by another window within a door to its rear. The proposed extensions would not extend beyond this door. Consequently, on the evidence before me, I am not persuaded that the proposed ground floor extension would be seen as an unduly enclosing or overbearing structure from within No 99 or its rear garden. Neither would it significantly harm the access to daylight at this property.
10. I accept that there are examples of rear elements similar in scale to that proposed at nearby dwellings and that the proposal would secure a common alignment with many of them. However, in the absence of details about how they were assessed by the Council if they required planning permission, they carry little weight in my assessment of the appeal scheme, which I have performed based on its individual planning merits.
11. For the reasons given, I conclude that the proposal would result in harm to the living conditions of the occupants at No 99 in terms of outlook and access to daylight. It would therefore conflict with Policies DMD8 and DMD11 of the DMD. Amongst other things, these seek to ensure that proposals preserve living conditions at neighbouring properties in terms of daylight and outlook. I have also been referred to Policy CP30 of The Enfield Plan Core Strategy (CS) and Policy DMD37 of the DMD. However, these mainly deal with character and appearance and are not relevant to this main issue.

### *Character and Appearance*

12. The Council's main objection in terms of the design of the proposal appears to concern the size of the ground floor extension. I accept that this would have a reasonable depth (approximately 5.3m) and would be constructed close to the shared neighbouring boundary. Nevertheless, it would not exceed the depth of the existing outrigger at No 97. Moreover, its height would be broadly consistent with that of the existing single storey rear element at No 97 and that of single storey rear elements at surrounding properties. Consequently, in my view the proposed single storey extension would not represent an overly large addition to the host property. Neither would it appear prominent or out of character within the context of the wider terrace.
13. In addition, the proposed first floor extension would be stepped back from the depth of the existing outrigger and would have a similar width to this feature. It would also only be seen from a limited number of viewpoints. Overall, I find that the proposed extensions, even when viewed as a whole, would not be excessively bulky. Neither would they be visually prominent within the streetscene. Taking this and all of the above into account, I consider that they would not significantly disrupt the design of the host property or the rhythm of the wider terrace. Furthermore, the alterations proposed to the front of No 97 would create the appearance of two, well-balanced, mid-terraced properties when viewed from Chiswick Road. I therefore also find them to be acceptable.
14. For the reasons given, I conclude that the proposal would not harm the character and appearance of the original building or the surrounding area. It would therefore accord with Policy CP30 of the CS, Policy DMD37 of the DMD and Policies 7.4 and 7.6 of the London Plan. Amongst other things, these seek to ensure that developments have regard to the form, function and structure of an area and are of a design that is appropriate to their context. I have also been referred to Policy DMD13 of the DMD. However, this deals with roof extensions and is not strictly relevant to this proposal. In any event, I find no conflict with the aims and objectives of this policy.
15. I do, however, note that the proposed extensions would technically conflict with the provisions of Policies DMD11 and DMD14 of the DMD. Amongst other things, these seek to ensure that single storey extensions do not exceed 3m in depth beyond the original rear wall or exceed a height of 3m. They also require side extensions to be a minimum of 1m away from the boundary with an adjoining property. However, having considered the associated text regarding the justification and guidance on the implementation of these policies, this is to ensure that extensions do not result in a terracing effect or disrupt the established pattern and form of development. The proposal would not contravene these objectives. Consequently, it would not, in this site-specific circumstance, undermine the aims of Policies DMD11 and DMD14 or result in any material harm as a result of the identified technical conflict with them.

### *Other Matters*

16. On the evidence before me, it could be possible to deal with my concerns in terms of living conditions through an amended scheme which reduced the depth of the proposed first floor extension in line with the requirements of Policy DMD11. However, such a scheme is not before me and my assessment is confined to the merits of the proposal as submitted to and assessed by the

Council. Consequently, this is not a reason to set aside the harm I have identified.

17. In addition, the appellant's concerns regarding the Council's behaviour during the determination of the planning application falls outside of the remit of this decision.

### **Conclusion**

18. I recognise that the National Planning Policy Framework (the Framework) supports the effective use of land and seeks a significant boost to the supply of housing, to which the additional dwelling proposed would contribute. I have also found that the proposal would not be harmful to the character and appearance of the original building or its surroundings.
19. However, I am not satisfied that it would not result in harm to the living conditions of the occupants of No 99. Accordingly, the proposal would conflict with the development plan when read as a whole and there are no material considerations, including the advice of the Framework, which outweigh this conflict. Having considered all other relevant matters raised, I therefore conclude that the appeal should be dismissed.

*M Heron*

INSPECTOR