



Appeal Decision

Site visit made on 1 October 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 31st October 2019

Appeal Ref: APP/Q5300/W/19/3229092

1 Hampshire Close, Edmonton N18 2LG

- 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 Marshmoor Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00235/FUL, dated 1 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is the demolition of a side garage and rear conservatory, erection of a part single storey, part double storey rear and side extensions. Extension of roof incorporating rear dormer and skylights to front conversion of single-family dwelling house into two self-contained dwellings, hard surfacing to front.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The name of the appellant was not provided within the Local Planning Authority's (LPA) planning application submission. The appellant has since confirmed in writing (6 June 2019) that the appeal is by Marshmoor Properties Ltd.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of Nos 1 and 3 Berkshire Gardens in relation to outlook.

Reasons

4. The appeal site is situated within a cul-de-sac consisting of five pairs of semi-detached properties. The appeal property is a 2-storey, 3-bedroom semi-detached house with attached garage, rear extension and front and rear gardens.
5. The proposal would convert this residential property into two self-contained dwellings; one 4-bedroom flat and one 1-bedroom flat. This would be achieved by demolition of the existing garage and rear extension, and construction of a new part single, part two storey rear and side extension, with a dormer window to the rear.
6. The rear first floor windows of Nos 1 and 3 Berkshire Gardens face directly onto the side elevation of the appeal property. The proposed two-storey element of this side extension would be clearly visible to the occupiers of No 1, who, unlike

- No 3, would not benefit from the existing trees and shrubs to partially obscure views of this structure. At present, the occupants of No 1 have an outlook to the rear of No 1 Hampshire Close, however, this would be lost due to the disproportionate length of the proposed first-floor extension. No 3's outlook would also be reduced to the front of the appeal property only.
7. The length of this first-floor extension would be approximately 3m longer than the existing dwelling. This, in addition to its height and close proximity to the boundaries of the neighbouring properties, would result in an over-bearing and dominant feature. The prominence and mass of the extension would dominate the outlook and lead to an unacceptable sense of enclosure to the occupiers of these properties. This perception of enclosure would be particularly prominent from the rear gardens of the aforementioned residential dwellings.
 8. The appellant refers to there being no loss of outlook due to compliance with the 45-degree rule and the screening effect of mature trees along the boundary. However, the 45-degree rule relates to light, which is not an issue raised by the LPA in this case. It was also evident during the site visit that trees and vegetation did not obscure the outlook from No 1 Berkshire Gardens.
 9. The appellant references examples of similar schemes in the Borough, but not in the immediate vicinity, which they feel set a precedent for this development. I am not aware of the particular circumstances of these cases, nevertheless, differences were apparent. One approval was for a new house, while the other case was for a side extension, which was adjacent to the side elevation of the neighbouring property and not the rear elevation as in this case.
 10. I must therefore consider this appeal scheme on its own merits. The existence of these other developments in the locality, does not justify the harm I have identified above. Furthermore, they do not represent a compelling precedent for this proposal within Hampshire Close.
 11. The appellant also references the fact that planning permission (18/00167/HOU) has already been granted by the LPA, for a single-storey, side and rear extension to this property. However, this carries little weight in this appeal case, as it is only the first-floor element of this proposal, which would have an impact upon the occupiers of Nos 1 and 3 Berkshire Gardens.
 12. I acknowledge that the proposed development would result in a net gain of an additional dwelling to the local housing market, although I have not been provided with any evidence to support the contention that there is a particular demand for 4-bedroom dwellings in the area. Nevertheless, despite the limited quantum of development, I accept that the proposal would attract some very limited weight with regards the social objective of sustainable development as set out in the National Planning Policy Framework.
 13. However, I do not consider that this benefit would outweigh the harm which I have identified in respect of the main issue, and I conclude that due to its unsympathetic design, the development would be contrary to policies DMD 11, 13, 14 and 37 of the Development Management Document¹, CP30 of the Core Strategy² and 7.4 and 7.6 of the London Plan³. Together, these necessitate

¹ Enfield Council Development Management Document (DMD), Adopted November 2014.

² Enfield Council Core Strategy 2010-2025, Part of Enfield's Local Development Framework Adopted November 2010.

³ The London Plan, The Spatial Development Strategy For London Consolidated With Alterations Since 2011,

development to take into account adverse impacts on the living conditions of occupants of neighbouring residential properties.

Conclusion

14. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR