



Appeal Decision

Site visit made on 18 November 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/Q5300/D/19/3235327

415 Montagu Road, Edmonton N9 0HP

- 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 Imran Alli against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00378/HOU, dated 29 January 2019, was refused by notice dated 23 May 2019.
 - The proposed development is a two storey side extension and first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and first floor rear extension at 415 Montagu Road, Edmonton N9 0HP, in accordance with the terms of the application, Ref 19/00378/HOU, dated 29 January 2019, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the approved plans: LIVARCH/415MR/601 A, LIVARCH/415MR/301 A, LIVARCH/415MR/501 A, LIVARCH/415MR/201 A, LIVARCH/415MR/901 A, LIVARCH/415MR/701 A and Location Plan at 1:1250.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. For conciseness and precision, the description of the proposed development has been taken from the decision notice and appeal form rather than the application form.
 4. During my site visit, I observed that the appeal property had been subject to a hip-to-gable roof extension, with three rooflights within the front roofslope and a dormer extension within the rear roofslope. The existing appeal property is therefore significantly different in appearance to how it is shown on the existing plans and elevations submitted as part of the application. Regardless, I have considered the appeal insofar as it relates to the proposed drawings.
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Main Issues

5. The main issues are:

- i) the effect of the proposed development on the character and appearance of the site and surrounding area.
- ii) the effect of the proposed development on the living conditions of the occupants of No. 413, with particular regard to outlook and light.

Reasons for the Recommendation

Character and appearance

6. The appeal site comprises a two-storey, end-of-terrace property on the western side of Montagu Road near the junction with Nile Drive. A single storey side garage is built along the southern boundary of the site, which adjoins the garage of No. 413 to the south. The rear façade of the appeal property is positioned slightly at an angle to No. 413. During my site visit, I observed that Montagu Road is characterised by terraces of five or six properties each. While each terrace attaches at ground floor level, there is a clear separation at first-floor level. As such, these gaps between the terraces form an established characteristic of the area.
7. Although the side extension would abut the boundary with No 413, it would maintain a gap between its southern elevation and the northern elevation of No. 413 at first-floor level. The proposed two-storey side extension would not therefore result in the total closure of a gap that is characteristic of Montagu Road or result in a continuous façade at first floor level. Furthermore, I observed that No. 473, an end-of-terrace property to the north, has already been subject to a first-floor side extension in a manner similar to the proposal. While not determinative in itself, the side extension at No. 473 does set a local precedent for the proposal.
8. In addition, as the first-floor element of the side extension would be stepped back from the front façade and the roof would be set down from the ridge of the original building, it is considered that the proposal would be subordinate to the host building.
9. Overall, it is considered that the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area. The proposed development would therefore comply with Policies 7.1 and 7.4 of the London Plan (2016), which respectively state that development should reinforce the character of a neighbourhood and have regard to the form and function of an area. The proposal would also comply with Policy CP30 of the Core Strategy (2010), and DMD37 of the Development Management Document (2014) (DMD), which aim to ensure that development is high-quality and design-led, having special regard to its context. It is also considered that the proposal would broadly comply with DMD policy DMD14 which respectively state that side extensions must be subordinate and not result in the creation of a "terracing effect".

Effect on living conditions of No. 413

10. It is not disputed between the parties that the first-floor rear extension would extend beyond a line taken at a 30-degree angle from the mid-point of the

nearest first-floor window of No. 413. However, during my site visit, I observed that this window mirrored that of the appeal property and as the room served by this window at the appeal site is a bathroom, it is very likely that this neighbour's window also serves a bathroom. DMD Policy DMD11 states that first floor extensions should not exceed a line taken from 30° from the neighbours first floor window. Although the policy makes no distinction between habitable and non-habitable rooms, as the bathroom is not a habitable room, I do not consider the extension would affect the outlook from the neighbour's dwelling such that it would cause an unacceptable level of harm to the living conditions of the occupants. Furthermore, as the appeal site is located to the north of No. 413, the proposal would not cause harm to the living conditions of the occupants in terms of a loss of sunlight.

11. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupants of No. 413 in terms of outlook or light. The proposed development would therefore generally comply with Policy DMD11 of the DMD, which states that rear extensions will only be permitted if there is no impact on the amenities of neighbouring properties. The second reason for refusal cited within the decision notice references Policy 7.4 of the London Plan (2016) and Policy CP30 of the Core Strategy (2010). However, as these policies relate to matters of character and appearance rather than the effects of development on the living conditions of neighbouring properties, they are not directly relevant to the second main issue of the appeal.

Conditions

12. In addition to the standard timescale condition, I have imposed a condition requiring that the scheme be built in accordance with the approved plans for the avoidance of doubt. In the interests of preserving the character and appearance of the appeal property and surrounding area, I have attached a condition requiring that the materials to be used for the external surfaces shall match those of the existing building.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR