



Appeal Decision

Site visit made on 20 January 2020

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/Q5300/D/19/3240472

Homestead, Cattlegate Road, Enfield, EN2 9DR

- 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 & Mrs H Allen against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02027/HOU, dated 4 June 2019, was refused by notice dated 16 October 2019.
 - The development proposed is erection of a garage extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a garage extension at Homestead, Cattlegate Road, Enfield, EN2 9DR in accordance with the terms of the application, Ref 19/02027/HOU, dated 4 June 2019, 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 the following approved plans: 19029/1; 19029/4.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The appeal site has recent appeal history for a detached double garage, which was dismissed¹. The appeal scheme before me differs from the previous scheme in that it now proposes a single garage attached to the dwelling. Therefore, whilst I have had regard to the previous appeal decision, I have considered this appeal on its own merits.

Main Issues

3. The appeal site lies within the Green Belt. Therefore, the main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt.

¹ Appeal Ref: APP/Q5300/W/18/3209519

Reasons

Whether inappropriate development

4. Homestead is a bungalow located on the northern side of Cattlegate Road and within the Crews Hill area, which is characterised by garden centres and other commercial uses of a horticultural nature.
5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt is inappropriate development, but lists certain forms of development which are not regarded as inappropriate. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 145c).
6. Neither the Framework, nor the policies of the London Plan (2016) (LP), Enfield Core Strategy (2010) (CS) and the Enfield Development Management Document (2014) (EDMD) provide further detail on the term 'disproportionate additions'. However, it is common ground between the parties that the proposal, which would represent a cumulative increase of around 38% of the floor space of the original dwelling, would not amount to a disproportionate addition. Given this, and in light of its overall size, I concur that the proposed garage extension would not result in a disproportionate addition over and above the size of the original building.
7. Therefore, I conclude that the proposal would not be inappropriate development in the Green Belt. As such, the proposal would not be contrary to LP Policy 7.16, CS Policy CP33 and the provisions of the Framework, where they seek to protect the Green Belt from inappropriate development.
8. I note that the Council, having also reached the view that the proposal was not inappropriate development, then went on to consider the effect on the openness of the Green Belt against EDMD Policy DMD82. However, impact on openness is implicitly taken into account in the exceptions in the Framework, unless there is a specific requirement to consider the actual effect on openness. Therefore, for those exceptions where the effect of the development on openness is not expressly stated as a determinative factor in gauging inappropriateness, there is no requirement to assess the impact of the development on the openness of the Green Belt. EDMD Policy DMD82 is therefore inconsistent with the Framework.
9. As the proposal is not inappropriate development under paragraph 145c of the Framework, it would, by definition, not have an adverse impact on the openness of the Green Belt. Accordingly, the second main issue does not fall to be considered in this appeal.

Other Matters

10. The Council did not refuse permission in respect of the effect of the proposal on character and appearance, neighbouring living conditions or highway safety. I have no reason to reach different conclusions in these respects. Thus, the proposal is not contrary to CS Policy CP30 and EDMD Policy DMD91.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. I have considered these in the light of the Framework and the Planning Practice Guidance. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the external materials to match the existing building is necessary to ensure a satisfactory appearance of the development.
12. However, a condition limiting the use of the garage to domestic purposes ancillary to the dwelling does not meet the test of necessity as any future use which was not ancillary to the primary use of the land as a dwellinghouse would require planning permission. Accordingly, I have not included this suggested condition.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

Adrian Caines

INSPECTOR