
Appeal Decision

Site visit made on 13 January 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2020

Appeal Ref: APP/Q5300/D/19/3236779

10 Cocker Road, Enfield EN1 4QQ

- 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 Gary Hanmer against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01946/HOU, dated 28 May 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the Demolition of existing single-storey front extension and side garage to allow for erection of a part single, part two-storey side extension with pitched roof over, off street parking to front and access ramp to side.
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Decision

1. The appeal is dismissed.

Preliminary Issue

2. In the interests of clarity and precision I have simplified the description of development as set out in the banner headline above which replicates that set out on the Council's decision notice.
3. The appellant has confirmed that he is called Gary George Hanmer and consequently the appeal can proceed despite the different names on the application and appeal forms.

Main Issues

4. The main issues are the effect of the development on:
 - The living conditions of the occupiers of No 8 Cocker Road (No 8) with particular regard to overlooking, and
 - Pedestrian or highway safety.

Reasons

Living Conditions

5. The site is within a residential estate made up of a mixture of semi-detached and terraced properties. The appeal property is located on the inside of a bend consequently the garden of No 8 extends behind No 10's garage.
6. The development proposed is a two-storey side extension which would be in place of a single storey flat roofed front porch and single storey garage/hobby

room which extends down the side of the house. This element of the property adjoins the rear boundary of this part of the appeal site. This constrained relationship results in the proposed first floor window of the extension being located just above the point where the boundary between the properties is located.

7. During my site visit I noted the neighbour at No 8 has a timber outbuilding on the boundary and at approximately 2.8m in height provides a screen between the properties. However, this building would not safeguard the privacy of the neighbour if the appeal was allowed and in any event it is a temporary structure.
8. The juxtaposition of the proposed window and garden at No 8 would lead to significant overlooking of the neighbour's garden. This would be detrimental to the living conditions of No 8.
9. In this respect the development would be contrary to the requirements of Policy DMD 14 of the Enfield Development Management Document 2014 and Policy 7.6 of the London Plan 2016 insofar as these, taken together, protect residential amenity.

Highway Safety

10. The Council refused the appeal proposal for failing to provide an adequate footway to the street. Based on the evidence before me it appears there would be scope to arrange the parking so as to allow the appropriate pedestrian access and this could be required by condition.
11. Consequently, there would be no adverse effect on pedestrian or highway safety and the development would accord with Policy DMD 45 of the Enfield Development Management Document and London Plan Policy 6.13 in so far as they provide for safe pedestrian and highway access.

Other Matters

12. The appellant makes reference to the scheme being for elderly family members to provide assisted living. I have not seen any detailed evidence to support these arguments. Whilst personal circumstances can be given weight in making planning decisions, based on the evidence before me the personal circumstances as presented, do not outweigh the harm I have identified to the living conditions of the neighbour.

Conclusions

13. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

Edwin Maund

INSPECTOR