



Appeal Decision

Site visit made on 21 January 2020 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: 21 February 2020

Appeal Ref: APP/Q5300/W/19/3238369

First Floor Flat, 91, Devonshire Road, Southgate N13 4QU

- 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 Muir Baxter against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01313/FUL, dated 4 April 2019, was refused by notice dated 30 May 2019.
 - The proposed development is loft conversion to accommodate study space and a bedroom with en-suite bathroom facilities; slate-clad rear dormer with flat roof and roof-light; rear roof terrace with 1.7m high obscure-glass privacy screen; 2no. Velux roof-lights to the front roofslope; clear-glazed openable window to the side gable at loft level.
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Decision

1. The appeal is dismissed.

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.

Main Issues

3. 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 neighbouring properties, with particular regard to privacy and noise.

Reasons for the Recommendation

Character and appearance

4. The appeal site comprises the first-floor flat of a semi-detached property. The property adjoins No. 89 to the south, which is also divided into flats. At the rear, both properties feature distinctive, three-storey, flat-roofed outriggers which rise above their respective rear roof eaves and form an appreciable symmetry with one another. From the submitted plans, the proposed rear dormer would wrap around the northern side of the outrigger, extend across the full width of its flat roof, and then, on the southern side of the outrigger, be set back from the rear eaves of the principal roofslope to provide a terrace.
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5. The large scale and staggered, irregular arrangement of the dormer would overwhelm and distort the proportions of the original roofslope and relate poorly to the rear outrigger, to the detriment of the character and appearance of the appeal property. Furthermore, when seen alongside No. 89, the proposal would appear as a particularly incongruous addition that would result in the loss of symmetry between the two properties and thereby cause unacceptable harm to the character and appearance of the surrounding townscape.
6. The appellant has drawn my attention to various rear dormer extensions within the surrounding area. However, these dormers have a more typical, traditional appearance, whereas the proposal would have an asymmetrical form that would wrap around the outrigger. Furthermore, dormers at just three other properties are referred to and in the context of the large number of houses in the road which do not have dormers, the proposal would be incongruous.
7. The appellant states that the Inspector who determined the previous appeal, Ref APP/Q5300/W/18/3207883, found that the harm resulting from the previous scheme related principally to its excessive width and limited set back from the eaves. Although I accept that the proposal before me complies with the relevant criterion of Policy DMD13 in respect of the distance of roof extensions from roof eaves and edges, another criterion of Policy DMD13 states that roof extensions must be in keeping with the character of the property. In this regard, I have found that the proposal would cause unacceptable harm to the character of the appeal property due to its irregular form and massing, incongruous appearance and poor relationship to the rear outrigger.
8. Policy DMD13 also requires roof extensions are not dominant when viewed from the surrounding area. The appellant states that the previous Inspector had acknowledged that the previous scheme would not have a prominent appearance within the streetscene due to its location. However, in the same paragraph of their decision, the Inspector continues to state that the previous proposal would be clearly visible within private views from neighbouring rear gardens and within limited public views from Devonshire Close. There is therefore no contradiction with the delegated report, which states that the proposal would appear visually dominant within the surrounding area. I similarly consider that the current proposal would be a visually dominant addition to the local townscape.
9. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the site. The proposed development would therefore conflict with Policies 7.4 and 7.6 of the London Plan (2016), Policy CP30 of the Core Strategy 2010-2025 (2010) and Policies DMD8, DMD13 and DMD37 of the Development Management Document (2014), which state that development must be of the highest quality, have regard to the character of an area, be of an appropriate scale and be in keeping with the character of the host property. However, I do not consider that the proposal would conflict with Section 7 of the NPPF (2019) as this relates to the viability of town centres rather than matters of design.

Living Conditions

10. The proposed terrace would be accessible from the study and would feature privacy screens measuring 1.7m in height on its southern and western sides. The degree of overlooking from the terrace to neighbouring rear gardens would be comparable to that which is already possible from the rear-facing windows

of the appeal flat, although to an even lesser extent given the height and positioning of the proposed privacy screens. Whilst privacy screens cannot completely mitigate the potential for overlooking from the terrace, I do not consider that the resultant effects would be so great as to discourage neighbours from using their rear gardens. Also, while there would be some potential for overlooking into the side-facing bathroom window of the adjacent first-floor flat of No. 89, I do not consider that the resultant harm would be unacceptable as this window does not serve a habitable room. As such, I do not consider that the proposal would cause unacceptable harm to the living conditions of the occupants of neighbouring properties in terms of privacy.

11. As the appeal property would consist of a single family-sized unit, it is unlikely that the proposed terrace would be intensively used on a frequent basis. Furthermore, given the limited size of the terrace, it would not be able to accommodate more than a few people at any one time. Given its residential use and limited size, I do not consider that the proposed terrace would generate so much noise as to cause unacceptable harm to the living conditions of neighbouring occupants in this regard. While noise from the terrace during the evening hours may be more noticeable, I nonetheless remain unconvinced that resulting noise levels would be overly excessive.
12. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupants of neighbouring properties with regard to privacy and noise. The proposed development would therefore comply with Policy DMD8 of the Development Management Document (2014), which states that residential development must preserve amenity in terms of privacy, overlooking, noise and disturbance. Although the Council refer to Policy CP30 and Policies DMD37 and DMD6 of the Development Management Document (2014) in their reason for refusal relating to living conditions, I find no conflict with them in this regard as they primarily relate to matters of residential character and design.

Other Matters

13. I understand that the proposal would provide improved living accommodation and private outdoor space for the appellant. However, these personal circumstances do not justify the identified harm that would result from the proposal.
14. The proposal would result in the provision of a family-sized unit within a sustainable location. Nonetheless, the harm caused by the proposal would clearly outweigh this benefit.

Planning Balance, Conclusion and Recommendation

15. Although I have found that the proposed development would not harm the living conditions of neighbouring properties in terms of privacy and noise, this lack of harm would be outweighed by the harm that would be caused to the character and appearance of the site and surrounding area.
16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR