



Appeal Decision

Site visit made on 31 January 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/Q5300/D/19/3240140

7 Tintern Gardens, Southgate N14 6AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Drostan McDonald against the decision of the Council of the London Borough of Enfield ('LBE').
 - The application Ref 19/02036/HOU, dated 4 June 2019, was refused by notice dated 18 September 2019.
 - The development proposed is described on the application form as 'a single storey rear and side extension (with conversion of existing garage to habitable room), two storey rear extension and a loft conversion involving a hip-to-gable roof conversion with rear dormer'.
-

Decision

1. The appeal is allowed and planning permission is granted for the development proposed, as described in the banner heading above, at 7 Tintern Gardens, Southgate N14 6AS, in accordance with the terms of the application Ref 19/02036/HOU, dated 4 June 2019, subject to the conditions below.

Application for costs

2. An application for costs was made by the appellants against LBE which is the subject of a separate decision.

Planning context

3. This scheme follows an unsuccessful application in 2016, and also a certificate of lawfulness for various extensions and alterations issued in 2017 ('CLD').¹ The latter is material. But each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the London Plan ('LP'), Enfield Core Strategy ('CS'), and of the Council's Development Management Document ('DMD').² I have also had regard to various other material considerations, including the National Planning Policy Framework and the Planning Practice Guidance ('NPPF', 'PPG').

Main issue

4. The main issue is the effect of the proposal on local character and appearance.

¹ Ref 16/04546/HOU and 17/00261/CEA.

² The LP adopted in March 2016, the CS in November 2010, and DMD in November 2014. That is notwithstanding a recently-examined draft new London Plan and emerging work underway updating the CS.

Reasons

5. No 7 is a detached property of 1930s design with a side garage attached to that of neighbouring No 9. It has a two storey projecting bay, hipped roof, and comparatively fine architectural detailing reflective of that era. Neither the property itself nor surrounding area is, however, protected on account of its historic integrity. No 7 sits within a residential area, roughly equidistant between Southgate and Winchmore Hill stations. Houses nearby tend to date from a similar time, albeit that there is some variety in the original layout and form of properties, and many have since been altered. Nevertheless those origins result in a relaxed and comparatively low density pattern of development, with relatively generous gardens and tree-lined streets.
6. The proposal comprises several elements. The principal section of the roof would be changed to gabled rather than hipped, and the ridge raised by some 0.3m. The existing garage would be altered externally by way of timber cladding, and internally by making that space integral to the property. Other than in those respects, the scheme would little alter the principal elevation. To the rear a ground floor extension of contemporary design would project around 4m, broadly aligning with an existing extension at No 9. A first floor extension would be of lesser depth and would align with the original rear elevation of neighbouring No 5. A tiled rear box dormer is also proposed.
7. Collectively, I accept that the proposal would significantly alter and enlarge No 7. As implied above, the property remains relatively true to its original design. Comprising various elements, the proposal would entail the creation of extensions of differing forms and materials, adding some complexity to the present coherence of No 7. Two storey rear extensions did not appear to be particularly common in this area; for example the immediate neighbouring properties have not been added to in that way. I also acknowledge that the inset of the dormer from the proposed ridgeline and edges of the roof would be limited, whereas DMD policy DMD 13, criterion 1.a., sets out how 'insets should normally be between 500-750mm' to ensure appropriate visual integration.
8. However changes to the principal elevation of No 7 would, as set out above, be limited. That the garage could be converted, and roof form altered from hip to gable, is confirmed via the CLD (resultant effects are not in dispute). The additional ridge height would be fractional, barely perceptible from natural eye level as viewed along Tintern Gardens. There is also a stepped height rather than linear consistency to ridgelines here on account of the decline in topography from Winchmore Hill Road to the Vale. Many nearby properties have been extended over time, including by alterations affecting original roofs (notably a new crown roof at No 6, and a substantial dormer at No 2).
9. The additional bulk that would result would be visible from public vantage points, if looking between the property and its neighbours. However such visibility would inevitably be partial, and from a number of perspectives impeded also by highway trees. Alterations to the roof would, in particular, tie in well with the existing chimney stack detailing facing towards No 9, such that from that vantage point the proposal would not unduly dominant or overwrite the existing design of the property.³ There would also remain partially open

³ Albeit that the dormer would be set in by only approximately 0.2 to 0.25m from the side elevations proposed.

views at first floor level and above between No 7 and neighbouring properties, such that the relatively spacious and consistent feel of the area would not be unacceptably affected.

10. In my view there comes a point where the experience of multiple private vantage points becomes a legitimate matter of public interest. However that would not occur here, noting that LBE's reasons for refusing permission focus principally on elements that would be visible largely only from the rear of the property from private vantage points. Properties here are regularly arranged along Tintern Gardens, the Vale, Crowland Gardens and Winchmore Hill Road, with relatively lengthy rear gardens abutting one another. Many feature mature trees, established planting, and substantial boundary features. In that context, I saw that there are relatively few private vantage points from which the development proposed is likely to be readily apparent.
11. There are also overlays before me showing the relationship of this proposal to the CLD scheme.⁴ The latter is potentially not an optimal solution in terms of layout or architectural coherence. In the eventuality that this appeal were to fall, however, there is no indication that the appellants would not seek to implement that scheme or something comparable; it would achieve a similar objective in terms of providing additional floorspace. The CLD therefore, in my view, represents a real prospect of what may result in any event. Whilst there is some give and some take given the limitations of permitted development rights, in scale, bulk and prominence the CLD scheme would be broadly comparable to the extension proposed.
12. I acknowledge that the proposal would represent a significant change, alter the existing coherence to No 7, and that the dormer would not adhere to DMD recommendations. However there are various factors that would moderate the significance and visibility of the development proposed which, considered in conjunction with alterations that may be undertaken in any event, would limit the extent of change to an acceptable level. That is the underlying aim of policy DMD 13, as set out in supporting paragraph 2.5.5 to it. Consequently I find that the proposal would align with the relevant provisions of LP policies 7.4 and 7.6, CS Core Policy 30, and DMD policies DMD 11, DMD 13 and DMD 37. In brief, and amongst other things, those policies all seek to ensure that development integrates appropriately with its surroundings (as is similarly the approach set out in NPPF paragraph 127).

Conclusion

13. For the above reasons, having taken account of the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

14. In addition to securing commencement within the relevant statutory period, I have imposed conditions requiring compliance with the supporting plans and preventing the creation of additional windows, openings, or the use of any element of the roof of the development proposed other than for purposes of maintenance and emergency escape. Those are necessary so that the proposal

⁴ Between sections 4.8 and 4.12 of the appellants' appeal statement.

is implemented as assessed above, integrates suitably with local character and appearance, and in order that potential adverse effects to the privacy of the occupants of neighbouring properties do not arise (in line with relevant provisions of DMD policy DMD 11, DMD 13 and NPPF paragraph 127).⁵ In imposing conditions I have had regard to the tests in NPPF paragraph 55, the approach in the PPG, and to relevant statutory provisions. Accordingly I have modified the wording of certain conditions proposed without altering their aims.

Thomas Bristow

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1260-031, 1260-032, 1260-033, 1260-034, and 1260-035.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other order amending, or revoking and re-enacting that order with or without modifications) or otherwise (i) no additional windows or glazed openings shall be formed or installed in respect of the development hereby permitted, (ii) no balustrades or other means of enclosure shall be erected in respect of any element of the roof of the development hereby permitted, (iii) no element of the roof of the development hereby permitted shall be used other than for the purposes of maintenance or as a means of emergency escape.

⁵ Noting the broad provisions of section 70(1) of the Town and Country Planning Act 1990 as amended, and with regard to PPG reference ID: 21a-017-20190723.