
Appeal Decision

Site visit made on 26 May 2020

by M Madge DipTP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2020

Appeal Ref: APP/Q5300/W/20/3244663

133 Farndale Avenue, Palmers Green, Enfield, London N13 5AJ

- 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 Ms Sara Linda against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03026/FUL, dated 18 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a single storey rear extension and reconfiguration of ground floor to create 1x additional bedroom to existing flat.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and reconfiguration of ground floor to create 1x additional bedroom to existing flat at 133 Farndale Avenue, Palmers Green, Enfield, London N13 5AJ in accordance with the terms of the application, Ref 19/03026/FUL, dated 18 September 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: SP.1 site location plan, 002 existing and proposed rear elevations, 003 existing and proposed floor plans, 003 existing and proposed side elevations, 005 existing and proposed cross sections.
 - 3) 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.

Procedural Matters

2. I have used the description of the proposal from the Council's decision notice. It adequately and simply describes the proposed development as it is clearer than the one stated on the application form.
3. I have been supplied with two versions of the existing and proposed rear elevation and floor plans for the proposed development. The appellant provided one version with the appeal¹ (the appeal plans). The appellant has

¹ 002 existing and proposed rear elevations and 003 existing and proposed floor plans

subsequently confirmed by email that the appeal plans were submitted to the Council on 18 September 2019 to form the basis of their development proposal. A second version of the plans was submitted by the Council via email on 3 June 2020, which included confirmation that their decision² is based upon their version of the plans (the Council's plans).

4. The Council's plans show the proposed development to be located 1.00m from the boundary with the adjoining property, 135 Farndale Avenue. The appellant's version of the plans shows the proposed development to be further away from the boundary; while a distance is not specified, these plans show the existing ground floor window nearest the boundary as being retained.
5. The development as shown on the appeal plans is not substantially different to that shown on the Council's plans. The precise differences being the increase in distance from the boundary to the proposed side elevation of the development, reduction in proposed floor area, retention of an existing ground floor window and alteration of the fenestration details of the rear elevation. The size of the development would, therefore, be reduced and the development would be further away from the boundary with No 135. Due to the nature of these changes, I am satisfied that no prejudice would occur to any party as a result of my consideration of their content, and accordingly, the appeal is based on the plans submitted with the appeal.

Main Issue

6. The main issue is the effect of the development on living conditions for the occupiers of the ground floor flat at 135 Farndale Avenue, with regard to light and outlook.

Reasons

7. The appeal property is a ground floor flat located within a building that has the appearance of a pair of semi-detached houses. The rear facing windows of the host property and No 135 are a mirror image of each other and face almost due south, looking out over their respective gardens. At present a chain link fence, of approximately 1 m in height, defines the boundary between the 2 properties.
8. The development would be located away from the boundary with No 135. While No 135 does have a window near the boundary, the room it serves also has a pair of glazed doors. The Solar Study provided by the appellant shows that, due to the design of the development and orientation of the properties, there would be no significant overshadowing of No 135's nearest window and none of the pair of glazed doors. Any impact on light levels at No 135 would be negligible.
9. The proposed development would project 4m out from the host dwelling and the elevation facing No 135 would be blank. The proximity of the development to the boundary plays a significant factor in terms of the impact on outlook. In this case the siting of the development would be a substantial distance away from the boundary. Furthermore, the neighbour's nearest habitable room is served by two glazed openings from which their level of outlook would differ. From the evidence before me, I find that any adverse impact on outlook would be limited.

² 002 existing and proposed rear elevations and 002 existing and proposed floor plans

10. Policy DMD11 of the Development Management Document adopted November 2014 (the DMD) states, amongst other things, that single storey rear extensions must “not exceed 3 metres in depth beyond the rear wall in the case of ... semi-detached dwellings” and “not exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window to any adjacent property”. While the proposal would conflict with these criteria, the proposed development would not have an unacceptable overbearing effect when viewed from the adjoining property due to the location and separation distance of the extension. In addition, Policy CP30 of The Enfield Plan Core Strategy 2010-2025 adopted November 2010 and Policy DMD37 of the DMD seek, amongst other things, to secure high quality design and to deliver development that has regard to existing development.
11. On the main issue, I find that the single storey rear extension by reason of its size, siting and depth would not have a materially harmful effect upon the living conditions of the adjoining property’s, 135 Farndale Avenue, occupiers.

Conditions

12. In addition to the standard time limit, a condition specifying the approved plans is necessary as it provides certainty. I have imposed a condition specifying materials as this is necessary to safeguard the character and appearance of the area.

Conclusion

13. For the reasons given above the appeal should be allowed subject to the conditions set out above.

M Madge

INSPECTOR