
Appeal Decision

Site visit made on 11 August 2020 by Emma Worby BSc (Hons) MSc

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2020

Appeal Ref: APP/Q5300/D/20/3248636

93 New River Crescent, Southgate N13 5RL

- 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 and Mrs Smith against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/04135/HOU, dated 4 December 2019, was refused by notice dated 29 January 2020.
 - The development proposed is a single storey rear and side infill extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals 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 in the appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 91 and 95 New River Crescent in relation to outlook.

Reasons for the Recommendation

Character and Appearance

4. The appeal property is a two-storey mid terrace dwelling with an original two-storey projection and a modern single storey conservatory to the rear. It is located with an urban residential location largely made up of rows of similarly designed terraced dwellings, with the appeal property sitting within a row of four dwellings. The proposed development would replace the existing conservatory with a larger single storey extension to the rear and side of the two-storey projection.
5. Policy DMD11 of the Enfield Council Development Management Document (2014) states that single storey extensions should secure a common alignment of rear extensions. The row of dwellings in which the appeal site is located do

not currently have any rear extensions which are similar in depth to the proposed extension and therefore the proposal would not secure a common alignment of rear extensions with the neighbouring properties. Both the Council and the appellant identify that the proposal would conflict with this section of the Policy.

6. Although the design of the proposal is intended to create good sized rooms for the occupants and is not excessive in size when compared to the main dwelling, the rear extension would be out of keeping with the surrounding dwellings. The depth of the rear extension would not align with the neighbouring properties and therefore would not be in keeping with the prevailing pattern of development in the area, resulting in an overly dominant and incongruous addition.
7. The appellant has stated that the requirement for common alignment would be contrary to what is permissible under permitted development rights. However, as planning permission has been sought it is necessary to assess the proposal with regard to the development plan and therefore the possibility of similar development under permitted development rights would not outweigh the harm identified. It is also noted that the proposal could set a new standard for the depth of extensions within the row of dwellings. But as it is unknown as to whether other dwellings in the row would also be extended, the proposal would still appear as an anomaly.
8. For the reasons above I consider that the proposed development would be harmful to the character and appearance of the area. Therefore it would be contrary to Policy CP30 of The Enfield Plan Core Strategy (2010) and Policies DMD11 and DMD37 of the Enfield Council Development Management Document (2014). These Policies collectively seek to ensure new development is of high quality and has no adverse visual impact by reinforcing locally distinctive or historic patterns of development.

Living Conditions

9. The proposed development would partially infill the current space between the two-storey projection at the appeal site and the boundary with 91 New River Crescent, leaving a small courtyard closest to the main part of the building. This would result in a large brick-built side wall, extending approximately 9 metres, being located on this shared boundary. Although it is noted that the eaves height of the proposed extension adjacent to this boundary has been designed as low as possible and would allow just enough internal headroom to make the space usable, it would still be significantly higher than the current fence.
10. The proximity of the proposed extension to the neighbouring property, which is less than 2 metres from the boundary, and its significant height and depth, would result in a detrimental sense of enclosure for the occupiers of No.91, particularly from the two ground floor windows closest to the boundary. The proposed courtyard would not greatly reduce this impact, as the size of the side wall would still largely block any outlook from these windows. The space between the boundary and the dwelling at No.91 may not be regularly used as amenity space, however it does currently provide some daylight to the neighbouring properties windows, which would be reduced by the proposed extension due to the proximity of the large side wall.

11. The proposed extension would also be adjacent to the boundary with 95 New River Crescent. Although it would only be slightly greater in depth than the rear canopy extension at No.95, the brick walls of the proposed extension would be more opaque than the current conservatory and therefore would have a more imposing appearance to the occupiers of No.95. Policy DMD11 states that single storey extensions should not exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties. Although the proposal only infringes this 45-degree line horizontally and not vertically, as confirmed by the appellant, it would still be contrary to this policy and would result in some loss of daylight to the ground floor patio doors of the property at No.95.
12. Overall, the proposed development would be harmful to the living conditions of the neighbouring occupiers and therefore would be contrary to Policy DMD11 of the Enfield Council Development Management Document (2014). This Policy states that proposed extensions will only be permitted if there is no impact on the amenities of its neighbouring properties.

Other Matters

13. The appellant has claimed that Policy DMD11 is out of date as it is not consistent with current permitted development rights. Policies should not be regarded as out-of-date simply because they were adopted before other legislation. The Policy is generally consistent with the Framework in its aim to ensure residential extensions are of a high-quality design. Therefore, this would not alter the weight of Policy DMD11 in the consideration of this appeal.
14. It has been highlighted by the appellant that a larger extension is permissible, and has been applied for, under permitted development rights which is subject to the prior approval process. It is unknown as to whether this has been granted by the Council and therefore it is unknown as to whether a fallback position exists. Nevertheless, although it is slightly larger in size, it is not considered that the potential fallback development would be significantly more harmful than the appeal scheme and it would not result in sufficient justification for the proposal which would cause significant harm.
15. A similar application for a rear extension at both 61 and 63 New River Crescent has been brought to my attention. The full circumstances of the application have not been provided, however it is noted that the appeal proposal has a greater depth than these extensions. Furthermore, it appears that both neighbouring properties would have extensions, thereby reducing the impact upon each other. Therefore, this application is not directly comparable to the appeal before me.
16. A successful appeal at 67 New River Crescent has also been highlighted, similarly for a rear extension. Again, the full circumstance of this appeal has not been provided. However, a plan provided indicates that the design of the extension is somewhat different from the current proposal at No.93 with no infill to the side. Therefore, it cannot be considered as a precedent for this appeal.
17. It has been recognised that no objections have been received by the occupiers of the neighbouring properties, with support from the occupiers of No.91. However, proposals must be assessed with regard to both current and future occupiers and therefore this would not outweigh the harm identified.

Conclusions and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

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

Kenneth Stone

INSPECTOR