



Appeal Decision

Site visit made on 15 September 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/Q5300/D/20/3249683

471 Cockfosters Road, Enfield EN4 0HJ

- 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 Mo Abassi against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03858/HOU, dated 4 November 2019, was refused by notice dated 17 January 2020.
 - The development proposed is Part single, part two-storey, rear extension involving rear dormer, glass balustrade with roof lights to front elevation. (Part retrospective).
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Decision

1. The appeal is allowed and permission is granted for a Part single, part two-storey, rear extension involving rear dormer, glass balustrade with roof lights to front elevation. (Part retrospective) at 471 Cockfosters Road, Enfield EN4 0HJ in accordance with the terms of the application Ref 19/03858/HOU, dated 4 November 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: MA/ 17 /A001, MA/ 17 /A002, MA/ 17 /A004 Rev.A, MA/ 17 /A005, MA/ 17 /A006 Rev.A, MA/ 17 /A008 Rev. A, MA/ 17 /A01, MA/ 17 /A011, MA/ 17 /A012, MA/ 17 /A016, MA/ 17 /A017 Rev.A, MA/ 17 /A018 Rev.E, MA/ 17 /A019 Rev.A, MA/ 17 /A020, MA/ 17 /A022, Site Location Plan.

Main Issue

2. The main issue is the effect of the first floor rear extension on the living conditions of the attached occupiers.

Reasons

3. The appeal site is one house in from the end property within a terrace of two storey dwellings along the western side of Cockfosters Road. It has been extended to the rear by virtue of a single storey extension with part first floor above and dormer extension to the roof.
4. I am aware of the history associated with the appeal site and the only area in contention between the parties relates to the first floor element where a bedroom has been created. It projects approximately 4.8m and is the full width of the dwelling with a central apex roof over. The glass balustrade was not erected at the time of my visit.

5. I have considered the consequences of the proposal upon the first floor windows at No. 469 Cockfosters Road from what I observed on the ground, and I have also had due regard to the previous Inspector's decision¹ for the same proposal under an earlier planning application.
6. Policy DMD 11 of the Enfield Development Management Document 2014 (DMD) permits rear extensions if there is no impact on the amenities of the original building and its neighbouring properties. The policy seeks to ensure that first-floor extensions do not exceed a line taken 30-degrees from the mid-point of the nearest original first floor window to any of the adjacent properties.
7. Whilst I accept that this policy does not indicate that this applies only to habitable room windows, the closest window at first floor to the appeal site provides light onto the staircase, and I was able to externally observe this to be the case during my visit. It is not a habitable room and I apportion significant weight to this fact. As the development has been erected and I could see first hand the circumstances before me, I therefore apply some flexibility to the wording of the policy.
8. As a result of the first floor extension, and as demonstrated on the submitted plans, the staircase window fails the 30 degree line taken mid-point. However, there are no other first floor extensions to its attached neighbour of 467 Cockfosters Road to create a poor outlook or a significant sense of enclosure from this space. I do not consider the living conditions of the occupiers would be unacceptably harmed as a consequence.
9. A bedroom window is positioned adjacent to the staircase window and the submitted plans indicates the 30 degree line would be broadly achieved. As there are no extensions at first floor to the attached building of No. 467, as well as the distance the window is away from the extension, and the otherwise open aspect to the south and west, neither am I of the view that the occupant's would suffer a significant sense of enclosure, or their outlook from this window would be substantially impaired to a degree that would be harmful to their living conditions.
10. For these reasons, the proposal would not conflict with the Enfield Core Strategy 2010 Policy CP30 and Policy DMD 11 of the Enfield Development Management Document 2014 in their overarching aims to maintain and improve the quality of the built environment. Furthermore, I find no direct conflict with The London Plan 2016 Policy 7.6 in its purpose for development not to unacceptably harm the amenity of surrounding land and buildings.

Other Matters

11. An objection received from Number 473 Cockfosters Road has been brought to my attention. Issues regarding noise from construction is noted although the works appear to be largely completed. Overlooking of their garden from the dormer would be largely obscured by their own single storey extension along the party boundary. I also note the Council raised no objections to this element. Issues pertaining to sound insulation between properties is not within my domain to comment upon and there are other regulations to ensure extensions are acceptably constructed. The Party Wall Act is a civil matter to resolve between the two neighbours.

¹ Appeal Reference APP/Q5300/D/18/3213493

Conditions and Conclusion

12. The development is retrospective, and I apply the approved plans reference for consistency.
13. I have had regard to all information before me and have come to my own decision based on my assessment of the development on the ground. For these reasons, the appeal is allowed.

Alison Scott

INSPECTOR