
Appeal Decision

Site visit made on 4 September 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Appeal Ref: APP/Q5300/W/20/3251969

Avalon Close, 1-44 Avalon Close, Enfield EN2 8LR

- 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 Ozcan Hassan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00901/FUL, dated 5 March 2019, was refused by notice dated 10 February 2020.
 - The development proposed is creation of a part third and fourth floor to both blocks to provide a total of 8 self-contained units comprising 6 x 2 bed and 2 x 1 bed with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. From the wider evidence it is clear that the proposal is for eight dwellings, rather than 10 as stated in the application form. Therefore, I have used the description from the decision notice as it more accurately describes the development.
3. Concerns have been raised by neighbours regarding some minor discrepancies in the plans. However, the plans are sufficient to determine the appeal and I have assessed the appeal on the basis of these drawings.

Main Issues

4. The main issues are:
 - the effect of the proposal on the living conditions of the neighbouring occupiers at third floor levels of the host buildings, with particular regard for privacy and outlook; and
 - the effect of the proposed development on the character and appearance of the host building and surrounding area.

Reasons

Living conditions

5. The proposed entrance doors to Apartment 1 of both Blocks would be sited in very close proximity to the bathroom windows of No 21 Avalon Close (No 21), of Block A and No 43 Avalon Close (No 43) of Block B. While these windows

have obscured glazing, given the close proximity of the proposed entrance doors, future occupiers would have a view, albeit an obscured one, into the bathrooms. Given the sensitive nature of these spaces, even an obscured view at such a close proximity would result in unacceptable harm to the privacy of the occupiers of these flats.

6. I note that the evidence from neighbouring occupiers refers to drawings where these bathroom windows have been omitted. However, I have based my assessment on the drawings before me, which indicate windows of existing flats at third floor being in close proximity to the proposed entrance doors.
7. In addition, from the evidence before me, the proposed window of the lounge area to Apartment 1 on the third floor of both Blocks A and B would be sited in close proximity to windows of existing flats on the same level. Therefore, future occupiers in Apartment 1 of both blocks would be able to see into the existing flats of the third floor, detrimentally affecting their privacy. I acknowledge that the proposed windows would be at an angle to the existing windows. However, given the close proximity of these windows and that the existing windows are not currently overlooked, this arrangement would result in an unacceptable breach of privacy for the occupiers of the third-floor flats.
8. I acknowledge that the massing and fenestration of the proposed units would roughly echo that of the flats on the lower floors, and that the relationship of windows from fourth floor to third floor would not be dissimilar to that between the third floor and second floor. I acknowledge that the appellant agrees with the Council's planning officer in this respect. Nonetheless, this would not justify or override the harm to privacy of the occupiers of the third-floor flats that would result from the proposal.
9. I have considered the use of a condition to require that the relevant proposed windows be obscured, However, given the close proximity of the proposed windows to the existing, there is no guarantee that such a condition would fully mitigate the harm to privacy.
10. Turning my attention to outlook, given the number and size of the existing windows of the third-floor flats, the addition of two storeys on the existing flat roof areas will undoubtedly be visible from some of these windows. However, since the proposed dwellings that would be seen would be set back from the edge of the flat roof areas and given that the existing windows will still benefit from outlook in other directions, the living conditions of the existing occupiers would not be unduly affected in this particular respect.
11. While the enclosure of the third floor to create internal hallway space would reduce the outlook from the route to the existing flats on this floor, since only a few small windows face this area, the spaces within the flats would not be unduly affected in this particular respect.
12. I acknowledge the scheme at Greystoke Court and the comments of the Inspector for that case. However, since that scheme involved building layouts that are significantly different to this case, it does not provide a direct comparison with this appeal which I have assessed on its individual merits.
13. Consequently, the proposed development would harm the living conditions of the neighbouring occupiers at third floor levels of the host buildings, with particular regard for privacy. Therefore, it would conflict in this particular

respect with Policy 7.6 of The London Plan The Spatial Development Strategy For London Consolidated With Alterations Since 2011 March 2016 (LP) which seeks, among other things, that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy. It would also conflict in this regard with Policy DMD 8 of Development Management Document Adopted November 2014 (DMD) which requires, among other things, that new residential development preserves amenity in terms of privacy.

14. While I have had regard to Policies CP4 and CP30 of The Enfield Plan Core Strategy 2010-2025 Adopted November 2010 (CS), given the harm to privacy identified above, they have not been determinative for this main issue.

Character and appearance

15. The area surrounding the appeal site is generally characterised by two and three storey residential properties in a variety of forms set in generous plots such that the area has a spacious and varied character and appearance. The appeal buildings on Avalon Close are two very similar blocks of flats that are part three and part four storeys high. They are set within spacious grounds and are of traditional materials such that the site contributes positively to the character and appearance of the area.
16. The proposed flats would be clad in grey zinc cladding that would contrast with the brick cladding of the existing building. This use of materials along with the proposed setbacks would result in the additional storeys appearing subservient to the existing blocks such that the overall effect would not be dominant or discordant when viewed against the host building. Given the varied use of materials in the area surrounding the site, the scheme would not appear unsympathetic in this respect.
17. In terms of massing, the proposal would consist of two additional floors on the second-floor roof of the existing buildings and a single additional floor on top of the existing flats on the third floors. As such, the proposal would result in a five-storey building. Three of the four proposed dwellings of each Block would be set back while the remaining flat on each Block would continue the building line of the flat below. In addition, views of the proposal would be partially screened from wider views by mature trees surrounding the site. Therefore, while the overall buildings would appear larger than existing, when viewed in the context of the spacious grounds within which they are set, the proposed extension to the host building would not appear incongruous in the wider area or from street level.
18. I acknowledge that the proposal would be visible from the rear of the properties along Drapers Road and from The Ridgeway. However, the proposed apartments that would be most visible from these views would be set back from the edge of the existing building and given the varied forms of buildings along the Ridgeway, they would not appear incongruous in this regard.
19. Consequently, the proposed development would not harm the character and appearance of the host building and surrounding area. Therefore, it would not conflict with LP Policies 7.4 and 7.6 which seek, among other things, that development has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and comprise details and materials that complement, not necessarily replicate, the local architectural

character. It would also not conflict with CS Policy CP30 which seeks development that has special regard to their context. The proposal would also not conflict with DMD Policies DMD8, and DMD37 which require, among other things, that new developments should be of an appropriate scale, bulk and massing, and resists developments that fail to have appropriate regard to its surroundings. In addition, it would not conflict with DMD Policy DMD13 which seeks roof extensions that, among other things, are in keeping with the character of the property, and not dominant when viewed from the surrounding area.

Other Matters

20. I have taken into account all the points raised by third parties. Given the harm identified above, these have not altered my overall decision.

Conclusion

21. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR