
Appeal Decision

Site visit made on 22 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/Q5300/W/20/3247141

10 Cockfosters Parade, Cockfosters Road, Enfield EN4 0BX

- 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 Firat Mayil against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01842/FUL, dated 16 May 2019, was refused by notice dated 24 January 2020.
 - The development proposed is described as: Retrospective application for installation of a new shopfront together with the construction of a first-floor rear extension to accommodate 88 sq m additional area.
-

Procedural Matter

1. I observed that the development has been carried out and I have made my decision on this basis.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the extension on the living conditions of occupiers of the residential property 10A Cockfosters Parade, with particular regard to aspects of overbearing, outlook and light.

Reasons

4. The appeal site comprises a restaurant on the ground-floor with a flat above, 10A Cockfosters Parade. It forms part of a terrace/parade of retail, restaurant, café and other commercial premises on the ground-floor with residential and office uses above. Some of the commercial premises, including the appeal site, have previously been extended to the rear, with relatively deep single-storey extensions
5. The subject extension has been constructed above a deep single-storey rear extension. It has a flat-roof design and is sited such that it is only around 4 m from the western facing elevation of flat 10A, which incorporates the flat entrance and habitable room windows. The height of the extension projects above the eaves of the flat and consequently above its lower level windows. A small area of outdoor space, the only outdoor space associated with the flat, is

situated immediately in front of the western facing elevation, off the balcony that provides access to all the flats.

6. Due to the extension's height and its close proximity to habitable room windows and the flat's outdoor amenity space, I consider that the living conditions of occupants of the flat have been significantly harmed. The extension has an overbearing impact on both the outdoor amenity space and the lower level windows on the western facing elevation of the flat. It also substantially blocks the outlook from these windows and will have reduced the extent of natural light entering the property.
7. For the reasons outlined above, I conclude that the extension has resulted in unsatisfactory living conditions for the occupants of the flat, 10 A, with particular regard to overbearing, outlook and light. Consequently, this element of the development does not accord with Policy CP30 of The Enfield Plan Core Strategy 2010-2025 (2010), (CS) or paragraph 127 of the National Planning Policy Framework (the Framework), which is a significant material consideration. Collectively, and among other things, these policies require development to improve the quality of the built environment, promote inclusive neighbourhoods and provide a high standard of amenity for occupiers of existing properties.
8. I have not assessed the development against policies DMD 10 or DMD 11 of the DMD as the headings/sub-headings of these policies indicates that they relate to residential development; whereas the appeal development relates to a commercial premise having an impact on a residential property.
9. The appellant has pointed out that the occupants of the flat, 10A, is the manager of the ground-floor restaurant, and his family. It is contended that this factor mitigates any detriment to the living conditions of the flat's occupants. However, even if the flat would only ever be inhabited by the restaurant manager, I consider such an occupant is entitled to the same, or at least very similar, living conditions as occupants of other flats. As such, this is not a factor that should justify the development and one to which I attribute little weight.
10. The appellant has drawn my attention to what they consider to be similar developments at other properties along the parade. However, although there are some similarities with the appeal extension, they are not directly comparable due to, for example, them being lower in height and the distance of their highest sections are further from the rear of the flats they are opposite.

Other Matters

11. The appellant has raised concerns regarding the handling of the planning application by the Council. This is a matter outside the scope of the appeal but one the appellant could pursue through, for example, the Council's complaints procedure.
12. I note that the Council has not raised any concerns regarding the development of the shop front. I also consider this element of the development to be acceptable.

Conclusion

13. Notwithstanding my conclusion regarding the shop front, for the reasons outlined above the development as a whole does not accord with Policy CP30 of the CS or paragraph 127 of the Framework. As such, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR