
Appeal Decision

Site visit made on 21 October 2020

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 04/11/2020

Appeal Ref: APP/Q5300/D/20/3249899

39 Dawlish Avenue Southgate London N13 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Dhruv Kalan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/04376/PRH, dated 23 December 2019, was refused by notice dated 19 February 2020.
 - The development proposed is a single storey rear extension 6 m deep x 3 m high (3m high to eaves).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension 6m deep x 3m high (3m high to eaves) at 39 Dawlish Avenue Southgate London N13 4HP in accordance with the terms of the application, Ref 19/04376/PRH, dated 23 December 2019, and the details submitted with including plan nos. D03,D04,D06,D08,D09,D10, D11 and D12, pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Application for costs

2. An application for costs was made by Mr Dhruv Kalan against Enfield Council. This application is the subject of a separate decision.

Procedural Matter

3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 (7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of the adjoining premises, taking into account any representations received. Whilst the occupants of adjacent properties have made representations raising a number of matters additional to amenity, my determination of this appeal has been made solely on the basis of amenity as required.

Main Issue

4. I consider the main issue in this appeal to be whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the General Permitted Development (England) Order 2015 as amended and the impact of the proposed development on the amenity of the occupiers of adjoining premises.

Reasons

5. The appeal property is a semi detached dwelling. Its garden adjoins the garden of No 41 Dawlish Avenue (No 41) separated by a tall wooden fence which extends along the full boundary length. The proposed extension, which would have a flat roof with a central skylight, would be close to the boundary fence with No 41 and is proposed to extend 6 metres out along this boundary. However only the top part of its side wall would project above the height of the existing timber fence and together with the flat roof design this would mean that it would not have a significant overbearing or enclosing effect on No 41. Whilst the proposed extension would be visible from No 41, given its location to one side, the principal outlook from No 41 down its rear garden would not be significantly impacted. In addition, the proposed extension would be on the north side of the property and given its scale and height would not lead to a substantive change in light/sunlight reaching the garden of No 41. As such, I conclude that the proposed scheme would not harmfully impact the amenities of the occupants of No 41.
6. The adjoining detached property at No 29 Dawlish Avenue is set back from the appeal property and has a substantial single storey extension which runs along a significant proportion of the boundary with the appeal property. Due to this and taking into account the form and siting of the proposed extension, the impact on those occupants would be very limited.
7. Notwithstanding that the proposal would not conform with the size allowances and the application of the 45 degree rule as set out in Policy DMD11 of the Enfield Development Management Document (2014) (DMD), it would not result in unacceptable harm to the amenities of the occupants of adjacent properties. The proposal would not conflict with Policy DMD37 of the DMD or Policy CP30 of the Enfield Plan Core Strategy which amongst other matters seeks to achieve high quality design. In addition, there would also be no conflict with similar design related aims contained in Policies 7.4 and 7.6 of the London Plan (2016). Nor would it conflict with national planning policy which seeks to protect the amenity of the occupants of adjacent properties.

Conclusion

8. For these reasons, I conclude that the appeal should be allowed. The approval hereby granted is subject to the conditions set out in paragraphs A.3 and A.4 of Part 1 of Schedule 2 to the Order. Of these, particular attention is drawn to Condition A.3 (a) which states that the external materials must be of a similar appearance to the existing dwelling house; and Condition A.4(11) which requires the development to be carried out in accordance with the approved details, which in this case include Drawing Nos D03, D04, D06, D08, D09, D10, D11 and D12.

K Winnard INSPECTOR

