
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: 13 November 2020

Appeal Ref: APP/Q5300/D/20/3249005
46 Solna Road Southgate London N21 2JE

- 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 Mustafa and Dondu Durmaz against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02044/HOU, dated 4 June 2019, was refused by notice dated 9 February 2020.
 - The development is a single storey front, side and rear extension along with the construction of hardstanding in connection with vehicular access (Retrospective).
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Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension. The appeal is allowed insofar as it relates to the single storey front side extension along with the construction of hardstanding in connection with vehicular access. Planning permission is granted for a single storey front side extension along with the construction of hardstanding in connection with vehicular access at 46 Solna Road Southgate London N21 2JE in accordance with the terms of the application, Ref 19/02044/HOU, dated 4 June 2019, and the plans submitted with it but only insofar as relevant to that part of the development hereby permitted.

Procedural Matters

2. The development, the subject of the appeal, has a number of elements. On my site visit I noted that all these elements have already been built. Accordingly the application is retrospective and I have determined the appeal on this basis.
3. Although intended to be an unaccompanied site visit, I was able to access the site at the rear of the property via a nearby accessway which were unlocked for me, as well as viewing the site from the public highway at the front of the property.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

5. The appeal property, at the end of a row of terraced properties, is located at the end of Solna Road, adjacent to a large brick garage which runs along the length of the parking area at the front of the appeal site. The property has been the subject of a recent planning application for a part single, part 2 storey side and rear extensions, single storey front extension porch and rear dormer with front rooflight (reference 19/00234/HOU) (the 2019 approval) and I saw from my site visit that these alterations have now been implemented resulting in a property with a modern design and façade rendered in a grey finish. As a result of these alterations, the property has lost its uniformity with the remainder of the properties within the terrace.
6. Incorporated into the renovated façade of the appeal property is a front porch, projecting beyond the line of the bay and the front side extension, part subject of this appeal. The porch is a prominent feature drawing the eye to the front elevation of the property. The effect of the single storey front extension now built is to extend forward the depth of the side extension built under the 2019 approval. However due to its positioning between the front porch and the wall of the adjoining brick garage, it is not a significant nor prominent addition to the overall scale of the property. Views of the front extension along Solna Road are in any event limited given the juxtaposition of the porch and the wall of the adjoining brick garage. As such, I find that this element of the development would not have an unacceptable effect on the character and appearance of the host dwelling and the surrounding area.
7. The front garden areas on Solna Road are mainly open with low walls, the majority of which have paved hardstandings. Core Policy 30 of the Enfield Core Strategy seeks to reverse the decline in the loss of street greenery and address the impact of parking on front gardens. Notwithstanding the lack of soft landscaping on the appeal site, given that a large number of the properties have hardsurfaced their front gardens this part of the appeal scheme incorporating a new driveway and hardstanding is not inappropriate within the prevailing character of the streetscene. In this instance, therefore, the scheme does not have a harmful effect on the character and appearance of the area.
8. As noted above, the property has been the subject of recent alterations and extensions which at the rear have resulted in a substantial built form. The rear extension as built, part subject of this appeal, projects off the extensions permitted under the 2019 approval, and as such now falls outside the depth allowance permitted under Policy DMD11 in Enfield's Development Management Document (DMD). Notwithstanding its flat roof design, the extension adds to the bulk of the property at the rear and represents an incongruous addition unrelated to the design of the property.
9. I acknowledge that there are now allowances given in national permitted development rights for large extensions, of up to 6 metres conditional upon the need for prior approval. However, any permitted development rights granted in respect of a building shall not apply if the operations involved in the construction of any part of the building are unlawful.¹ On the information

¹ Article (3)5 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

before me whether the development would ordinarily enjoy these permitted development rights has not been substantiated and on this basis I hold any fall back position with limited weight.

10. I note that the Council has concluded that the rear extension scheme is not considered to result in any harmful amenity impacts to the occupiers of adjacent properties. I would concur with this assessment given the positioning of the rear extension and the separation distance between it and its neighbouring properties on both Solna Road and Kent Road. However, the absence of harm in this respect does not outweigh the harm to the character and appearance of the building at the rear.
11. As such I conclude that the single storey rear extension results in unacceptable harm to the character and appearance of the host dwelling and the area. It would be in conflict with Policies DMD6, DMD8, DMD11 and DMD 37 in Enfield's DMD and Core Policy 30 which amongst other matters requires development to be appropriate and in keeping with the property and area. It would also conflict with policies 7.4 and 7.6 of the London Plan and national planning policy which seek to promote design sympathetic to local character.
12. For the reasons given above, I conclude that the single storey front side extension and construction of hardstanding in connection with vehicular access do not give rise to an unacceptable harmful effect on the character and appearance of the host dwelling and the area. As such they would not be in breach of Policies DMD6, DMD8, DMD14, DMD37 and DMD46 in the DMD and Core Policy 30 which require amongst other matters development to be appropriate and in keeping with the property. Nor does this part of the development conflict with similar design aims contained in Policies 7.4, 7.5 and 7.6 of the London Plan and national planning policy.
13. As the single storey front extension with off street parking is both physically and functionally severable, I consider that a split decision would be appropriate in this instance. Accordingly I consider that the appeal should succeed in relation to the construction of the single storey front side extension with hardstanding in connection with vehicular access.

Conditions

14. As that part of the development hereby permitted has already taken place, the conditions suggested by the Council are no longer necessary.

Conclusion

15. The single storey rear extension would have a harmful effect on the host property and the character and appearance of the area. There are no other considerations which would outweigh these findings nor the conflict with the Development Plan. Accordingly, in relation to the single storey rear extension, I dismiss the appeal. The element of the appeal which relates to the single storey front side extension and construction of hardstanding in connection with vehicular access is allowed in accordance with my formal decision above.

K Winnard

INSPECTOR

