



Appeal Decision

Site visit made on 10 November 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2020

Appeal Ref: APP/Q5300/D/20/3253881

99 Southbury Avenue, Enfield, London EN1 1RJ

- 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 W Hickson against the decision of the Council of the London Borough of Enfield.
- The application Ref 20/01074/HOU, dated 23 March 2020, was refused by notice dated 27 May 2020.
- The development proposed is described as: 'proposed single and double storey rear extension with a single storey front porch incorporating a covered side passage way'.

Decision

1. The appeal is dismissed insofar as it relates to the erection of the two/single storey rear extensions. The appeal is allowed and planning permission is granted insofar as it relates to the single storey front porch incorporating a covered side passage way in accordance with the terms of the application, Ref 20/01074/HOU, dated 23 March 2020, and the plans with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: 14050-S001-1st and 14050-P004-1st.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. For clarity, I have added 'London' to the address in the banner heading above as it is more precise. I have also omitted 'site' from the description of development and replaced it with 'side' as it is listed on the Council's decision notice and appeal form.
3. The appellant has referenced various approved schemes¹ (the approved schemes) in his submission. Details of these schemes were requested and provided by the Council. The Council have been given the opportunity to comment on the relevance of these schemes, and I will have regard to its response. Additionally, the appellant has had the opportunity to respond to the comments received from the Council. Thus, I will not prejudice any party in having regard to the above matters in the determination of this appeal.

¹ 15/04042/CEA; 15/03377/PRH; 16/01669/HOU (including appeal decision APP/Q5300/D/15/3156187 (the appeal decision)); 17/02484/HOU and 20/01017/CEA.

4. With the exception of the proposed single storey application, which was for Prior Approval² (PA) and then subject of an application for a Lawful Development Certificate³ (LDC), the other elements of the appeal scheme were submitted as planning applications⁴, where I note policies from the Council's Core Strategy 2010 (CS) and the Development Management Document 2014 (DMD) were used in their assessment, similar to the case before me. I have dealt with the appeal on this basis.
5. For the reasons that follow, I find the element of the scheme for the single storey front porch incorporating a covered side passage way to be acceptable and it is clearly severable both physically and functionally from the other elements of the scheme for the two/single storey rear extensions. Therefore, I intend to issue a split decision in this case and grant planning permission for the element of the scheme for the single storey front porch incorporating a covered side passage way.

Main Issues

6. The main parties agree that the element of the proposed development that includes the front porch and side extension with pitched roof does not raise any harmful issues. On the evidence before me, and in the absence of any substantive evidence to the contrary, I have little reason to disagree with both parties on this matter.
7. Therefore, the main issues of this appeal are the effect of the proposed development, particularly the single/two storey rear extensions on:
 - i. the character and appearance of the appeal site and surrounding area; and,
 - ii. the living conditions of occupiers of the host dwelling, particularly regarding outdoor amenity space.

Reasons

Character and appearance

8. The host dwelling has rendered elevations and a tiled roof, forming a modest end terraced property, located off a residential street. The proposal seeks various alterations and additions, including the construction of a part single/part two storey rear extension, amongst other things. The host dwelling has an extensive planning history, which includes a number of individual approvals for similar elements within the appeal scheme. The appellant is now seeking to construct these extensions as one scheme.
9. Whilst having regard to the approved schemes, I find on the submitted details that they have not been considered as part of a single development and have therefore been assessed on their own individual merits. Although, the Inspector allowed the previous appeal⁵, this was on the basis that the proposed first floor extension would be located on the existing single storey rear extension. Whilst, it is highly likely that the Inspector would have noted the approval of the PA and LDC as part of the planning history, the main issue of this previous appeal

² 15/03377/PRH

³ 15/04042/CEA

⁴ Householder Application's for Planning Permission for works or extension to a dwelling Town and Country Planning Act 1990

⁵ APP/Q5300/D/16/3156187

was surrounding the effect of the proposed development on the living conditions of neighbouring occupiers, particularly those at No's 97 and 101 Southbury Avenue. Therefore, I conclude that there are significant differences between this appeal proposal and that of the scheme before me.

10. Collectively, I consider that the proposed development would form an excessive addition to the host dwelling. Whilst the proposal comprises two storey and single storey elements this still results in a notable addition to the host dwelling relative to its existing proportions. The adverse effect of the proposal is accentuated through the modest plot size. These factors would diminish and unbalance the character and appearance of the host dwelling. Although, views from the public realm to the rear of the site are limited, there would be a significant adverse effect to the character of the area from the amount of development that would occupy the plot, compared to the surrounding built environment.
11. I have considered the approved schemes and, in this instance, whilst I accept there are similarities to the appeal scheme, these are on the individual components and not collectively. Whilst noting that the appellant may still choose to implement the single storey extension as permitted development⁶, I note that the time limit for the appeal decision has expired. Consequently, I am not convinced that there is a greater than a theoretical possibility that the proposed development as detailed on this appeal, might take place. Therefore, my conclusions on the main issues remain unaltered.
12. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the character and appearance of the appeal site and the character of the surrounding area. This would be contrary to the design, character and appearance aims of Policy 7.4 of the London Plan 2016 (LonP); CS Policy CP30; DMD Policies DMD 6, DMD 11, DMD 37, and the requirements of the National Planning Policy Framework (the Framework).

Living conditions

13. The Council states that the rear garden currently amounts to approximately 43m² and this would be reduced to 27m² following the erection of the proposed rear extension. This reduction in garden area would be due to the footprint of the single storey rear extension. I accept that a similar sized scheme has been obtained through the PA submission, which is supported through a granted LDC. Nonetheless, this scheme for permitted development is development for which the principle has already been granted by secondary legislation. The scheme before me is to be determined in accordance with the development plan.
14. DMD Policy DMD 9 requires good quality private amenity space that meets or exceeds a range of minimum standards. Whilst this policy refers to new development, I still find it relevant for the purpose of this appeal, given the concerns raised. Currently, the host dwelling comprises 2no. double rooms and a smaller bedroom, which I consider equates to a 3no. bedroom/5no. person property. The proposed development would create 3no. double bedrooms at the property through the provision of the first-floor rear extension and a reconfiguration of the layout at first floor.

⁶ Class A.1(g) of the Town and Country planning (General Permitted Development) (Amendment)(England) Order 2015 (as amended)

15. Although the Council suggest that the private amenity space in this instance should equate to 44m², this figure is an average figure for the whole site. A corresponding figure of 29m² relates to the minimum private amenity space for individual dwellings, which I consider is more appropriate in this instance. Nonetheless, the proposed development would still result in an amount of private amenity space that is below the minimum area required through only providing approximately 27m², which is not disputed by the appellant.
16. For the above reasons, I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupiers of the host dwelling, particularly regarding outdoor amenity space. This would be contrary to the amenity aims of LonP Policy 3.14; DMD Policies DMD 6, DMD 9, DMD Policy 37 and the requirements of the Framework.
17. CS Core Policy 30 has been cited on the Council's decision notice, which relates to maintaining and improving the quality of the built and open environment. Therefore, I find this policy is not directly applicable to this main issue.

Other Matters

18. Whilst I have had regard to the approval for another LDC application⁷ for an extension to the side of the roof to form a gable end with a rear dormer and rooflights on the front roof slope, it has not been determinative on this appeal. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conditions

19. I attach a condition specifying the approved plans, for certainty, and a condition to ensure that the facing materials would match those used in the existing building is necessary in the interests of the character and appearance of the host dwelling and surrounding area.

Planning Balance and Conclusion

20. Whilst I accept the absence of other harm arising from the proposed development, this does not outweigh my assessment of the main issues. Given my findings above, the proposed development would conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It would also be at odds with the requirements of the Framework.
21. For the reasons given above and taking all matters into consideration, I conclude that the appeal should be allowed insofar as it relates to the element of the scheme for the erection of a single storey front porch incorporating a covered side passage way and dismissed insofar as it relates to the element of the scheme for the erection of the two/single storey rear extensions.

W Johnson

INSPECTOR

⁷ 20/01017CEA