

Appeal Decision

Site visit made on 26 October 2020

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/Q5300/W/20/3248218

First floor flat, 120 New River Crescent, Southgate, London, N13 5RJ

- 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 A Vidot against the decision of Enfield Council.
 - The application Ref 19/03969/FUL, dated 19 November 2019, was refused by notice dated 14 January 2020.
 - The development proposed is a rear dormer roof extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the property and the surrounding area.

Reasons

3. This first floor flat forms part of a mid-terrace property that backs on to the river and its associated footpath. This terrace and adjoining terraces, are made up of two storey period properties. They each include a large but lower, two storey outrigger to the rear. Although this property is split into flats, it is similar in character to the other properties in these terraces.
4. The proposal would result in a large box type dormer across the rear facing roof slope. This dormer would link with a further box style structure, of similar design, above part of the roof of the outrigger. The proposed second floor would provide two bedrooms and a bathroom in the roof space above the bedroom, kitchen, bathroom and living room of the existing first floor flat.

Character and appearance

5. The new structure would dominate the original form of the main roof and would over-top the roof of the outrigger. Its overall form and detail would be entirely at odds with the character of the dwelling. Although a small area of the outrigger roof would remain, towards the rear, its original form and character would be lost. The rear facing main roof slope would be almost entirely replaced by the new structure.
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6. Given that this is a terraced property, the works would not be visible from the road. However, the additions would be clearly evident from the path along the river to the rear. The changes would therefore be publically evident. The works would represent extremely poor design and would detract significantly from the character of the property; and its appearance when viewed from the public vantage points. Given that the roof forms of properties in the immediate vicinity remain relatively unaltered, notwithstanding the dormer extension on the neighbouring property, this combined dormer structure would result in harm to the character and appearance of the property and the wider area.
7. Policy DMD13(1a) of the Council's Development Management Document 2014 (DMD) specifically advises that to achieve a suitable degree of subservience to the main roof face, any roof extension must be set in at least 0.5m from the eaves, edges and ridge. These structures would not meet these requirements and would appear overly dominant. However, my main concern is that they would represent poor design that would detract from the character and appearance of the properties in the immediate vicinity. Because if this, they would also conflict with parts (1b) and (2) of Policy DMD13. The design shortcomings and the harm to the character and appearance of the area would also result in conflict with the design objectives of DMD Policies DMD6(a), DMD8(1b) and DMD37(1); Policy CP30 of the Enfield Core Strategy 2010; and Policies 7.4 and 7.6 of the London Plan. The poor quality design would also be at odds with the design requirements of the emerging London Plan and the National Planning Policy Framework (*Framework*).

Other matters

8. The neighbouring property to the north does have a box style dormer within its rear roof slope. The current proposal for the main part of the roof would be similar in form and scale to that structure. Given the depth and height of the outriggers however, the neighbouring roof structure, although not making a positive contribution to the character of the building, is obscured or partly obscured from many viewpoints. When viewed directly from the rear, it is clearly evident but its position, beyond the outriggers and within the main roof, ensures that it has a more limited prominence. This would not be the case with the appeal proposal given the scale of the additional works proposed above the outrigger. Whilst the neighbouring development provides some support for the rear facing dormer element, it does not offer support for the proposal overall.
9. There are other roof alterations in the area and a number are visible within these terraces from the river path. There is a significant concentration of such alterations towards the southern end of these closely associated terraces. These altered roofscapes are however separated from the appeal property by a significant number of dwellings that do not have such alterations and as a result, they do not alter the character or appearance of the area in the immediate vicinity of the appeal site. The area with a concentration of roof additions is only intermittently clearly publically visible because of intervening trees and other garden vegetation. Their public prominence, even given their greater numbers, is therefore more limited than would be the case for the appeal proposal.
10. One of the roof structures towards the south end of these terraces was allowed on appeal at 104a New River Crescent (APP/Q5300/W/19/3221133) in April

2019. That property adjoined the area which has a concentration of similar structures; and is screened to a greater extent by trees and vegetation. The Inspector noted that the existing dormers and 'L' shaped dormer extensions formed part of the context of that site and the overall character and appearance of that area. Reference was also made to the visual screening provided. I am mindful also of the dismissed appeal at 96b New River Crescent (APP/Q5300/W/15/3137763) in 2016, when an Inspector observed that the addition above the outrigger would appear obtrusive and incongruous.

11. Whilst there should be consistency in decision making, each proposal must be considered on its own merits. I have found the position of this proposal, within a stretch of properties with only a few other immediately discernible roof structures, particularly of this overall scale and design; and the greater exposure to view because of the more limited garden vegetation, to result in an assessment markedly different to that undertaken by the Inspector considering the 104a New River Crescent proposal. I therefore afford only limited weight to that decision, given the different circumstances.
12. Reference to the lawful development certificate granted with regard to a similar proposal at 90 Park Avenue does not offer weight in favour of this proposal as it was a technical assessment as to whether planning permission was required rather than an assessment of its merits. This is also the case with other examples where lawfulness has been accepted; and indeed with regard to the additions that do not benefit from any planning consents, particularly if they were constructed as permitted development. I did not find their prevalence to have significantly altered the character of the area within the immediate vicinity of the appeal proposal.
13. The appellant has explained that the structure would not have required planning permission if the property had not been split into flats. Furthermore, as many of the neighbouring properties remain as single dwellinghouses, similar structures could be erected without consent. This is a matter that provides some weight in favour of this proposal. I afford less weight to the suggestion that as the details would normally represent permitted development, the design has been judged, by government, to be of a high standard. I do not agree that being excluded from needing planning permission by falling within the thresholds set out, suggests that the design must be of a suitable quality. I have found in this case, that it represents poor design in this particular context.
14. The appellant suggests that the proposal would provide significant benefits by providing a much-needed family-sized home without the loss of an existing dwelling, through the efficient use of land and without unacceptable harm to the living conditions of the neighbouring residents. I have not been provided with detailed evidence of the greater need for three-bedroom properties in this area compared to small flats but I acknowledge that the proposal would make a more efficient use of the property. This is a matter that provides some further weight in favour of the proposal but as it would represent poor design, it would not represent sustainable development with regard to the *Framework*.

Conclusion

15. The structure would dominate the rear of the property; it would be entirely out of keeping with the design and form of the existing roofs; and it would represent poor design within this particular context. I acknowledge that it would provide benefits to the appellant and make more efficient use of the property. I have also found there to be other matters that provide some weight in its favour. However, on balance, these matters, when taken together, are not sufficient to suggest that a decision contrary to the development plan should be reached. As the proposal would be contrary to the policies of the development plan and the design objectives of the *Framework*; and as the matters in favour of the proposal are not sufficient to outweigh my concerns, I dismiss the appeal.

Peter Eggleton

INSPECTOR