
Appeal Decision

Site visit made on 30 December 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/Q5300/D/20/3261109
90 Stanley Road, Edmonton N9 9AB

- 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 James De Miguel against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01564/HOU, dated 21 May 2020, was refused by notice dated 22 July 2020.
 - The development proposed is the erection of a roof space extension.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of 88 Stanley Road with particular regard to privacy.

Reasons

3. The appeal property is a mainly 2-storey dwelling within a predominantly residential area, wherein buildings are broadly similar in age with some variation in scale and general appearance due partly to various alterations and extensions that have been carried out. Consequently, there is some variety in existing built form within the local area to which No 90 belongs. The site is not within a conservation area and the appeal property is not a listed building.
4. The Council has recently issued a lawful development certificate (LDC)¹ to extend and externally alter the appeal property in a manner that is similar to the proposal before me. Consequently, a major part of the appeal scheme could be carried out through the exercise of permitted development rights. To my mind, the LDC scheme is a realistic fall back position against which the proposal should be assessed. In effect, the proposal is to elongate that part of the permitted dormer on the roof slope of the existing 2-storey outrigger at the back of the property. Like the LDC scheme, the proposed external materials would match those of the existing dwelling.
5. By introducing additional built form in a high level position, the proposal would noticeably add to the scale and bulk of the permitted dormer. The considerable length and size of the finished dormer, incorporating both the permitted and

¹ Ref 19/04170/CEA dated 4 February 2020

proposed elements, and its flat roof projecting above the top of the host roof would cause it to appear as an overly large and prominent 'box like' addition, the scale and bulk of which would give the host dwelling an awkward top-heavy appearance.

6. None of the proposal would be evident from Stanley Road given the position of the appeal scheme at the back of the building. It would, however, be visible from a driveway just beyond the rear of the site and from a short section of Tillotson Road. From each of these locations, the appeal scheme would be partly screened by the varied built profile of the terrace to which No 90 belongs. Even so, the proposal would still draw the eye as an uncharacteristically large, bulky and visually dominant extension.

Living conditions

7. The elevated position of the new dormer would lead to a greater level of overlooking of the adjoining rear garden of 88 Stanley Road than would be possible from the upper rear windows of the existing dwelling with the LDC scheme in place. Having carefully viewed the relationship of No 90 with the rear of this adjacent property, I consider that views from the rearmost side windows of the new dormer towards the neighbouring rear garden would be almost direct and at close range, the main effect of which would be to unduly diminish the value of the rear outdoor space to the occupiers of No 88.
8. In my experience, some overlooking of this general type is a characteristic of the relationship between properties in tightly knit residential areas such as this. However, in this case, the loss of privacy would be considerable for the reasons given. The use of obscure glazing and a requirement that the windows be fixed shut below a certain height can sometimes overcome these problems, as the appellant suggests. Nevertheless, in this case, the occupiers of No 88 would still perceive that the outdoor space at the back of their property would be overlooked because the rearmost side windows of the proposed dormer would be clearly in view from the rear of this neighbouring house.

Conclusion on the main issues

9. On the main issues, I conclude that the proposed development would materially harm the character and appearance of the local area and the living conditions of the occupiers of No 88. As such, it conflicts with Core Policy 30 of The Enfield Plan: Core Strategy 2010-2025, Policies DMD 6, DMD 8, DMD 13 and DMD 37 of the Development Management Document and Policies 7.4 and 7.6 of The London Plan. These policies broadly aim to ensure that development achieves high quality design; has no adverse visual impact; is in keeping with the character of the property; and safeguards residential amenity.

Other matters

10. Others raise no objection including the current occupiers of No 88. Even so, my assessment takes into account the future occupiers of this property.

Conclusion

11. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR