
Appeal Decision

Site visit made on 19 January 2021

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 28 January 2021

Appeal Ref: APP/Q5300/D/20/3260219
9 Dorchester Avenue, Southgate N13 5DZ

- 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 Ilyas Badat against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01516/HOU, dated 18 May 2020, was refused by notice dated 13 July 2020.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the site and the immediate area, and:
 - The living conditions of occupiers of neighbouring properties, with regard to outlook and daylight.

Reasons

Character and appearance

3. 9 Dorchester Avenue is a mid-terrace two storey dwelling located in a well-established residential area, predominantly of similar properties. No 9 has a dormer within its rear roof slope and an existing single storey rear extension with a canopy extending out over the existing extension into the rear garden and an outbuilding at the rear boundary. The canopy on No 9 is relatively lightweight with glazing on the boundary with 11 Dorchester Road.
4. The rear of the terrace features single storey rear extensions of varying depths, including rear extensions on both of the neighbouring properties at 7 and 11 Dorchester Road. The extension on No 7 is also covered by a partially enclosed canopy. To the rear of the terrace lies a shared access serving a row of outbuildings, including the one to the rear of No 9.
5. Policies DMD6, DMD8 and DMD37 of the Enfield Council Development Management Document -2014- (the DMD) seek to ensure that development is of high quality of design and that the scale and form of development is appropriate to the existing pattern of development or setting. Similarly Policy CP30 of the Enfield Council Core Strategy 2010-2025 -2010- (the Core

- Strategy) seeks to maintain and improve the quality of the built environment, requiring that all developments must be high quality and design-led, having special regard to their context.
6. Policy DMD11 of the DMD requires, amongst other things that rear extensions must not have an adverse visual impact or exceed 3 metres in depth beyond the original rear wall in the case of terraced and semi-detached properties and secure a common alignment of rear extensions.
 7. The proposal would replace the existing rear extension and canopy with one extending out to approximately 4 metres from the original rear façade, a similar extent as the canopies on the rear faces of No 7 and No 9. The existing rear extensions on Nos 7 and 9, excluding the canopies, are significantly shorter. The proposal would exceed the scale of extensions permitted under Policy DM11, nor would it retain a common alignment.
 8. Extensions on the rear of existing properties are generally of a more modest scale than the proposal, extending a lesser distance from the general line of rear walls on the terrace. The existing canopy is of a relatively lightweight construction, whilst the proposed extension would be of a more substantial built form. The proposed extension, by virtue of its scale, would, in combination with the existing rear dormer on the property, create a visual effect of bulkiness at the rear of the property.
 9. The extension, in combination with the rear dormer would be an incongruous, excessively large structure on the rear of the property and this would be out-of-keeping with the overall scale of the development to the rear of the terrace, visible from neighbouring properties upon whose boundaries the proposal would lie. This incongruity would, in this case, amount to material harm to the character and appearance of the area.
 10. My attention has been brought to other rear extensions in the area and during my site visit I also observed other sizeable rear dormers on nearby properties. However, I have little evidence before me of the planning history of these sites or the dimensions of the structures referred to. Many do not form part of the immediate context of the site and I have, in any case, determined this appeal on its own merits.
 11. I therefore conclude that the proposal would result in material harm to the character and appearance of the site and the surrounding area and would thus be contrary to the aims and provisions of Policies DMD8, DMD11 and DMD37 of the DMD and Policy CP30 of the Core Strategy.

Living conditions of neighbours

12. No 11 has a ground floor window close to its boundary with No 9. This window would appear to serve a habitable room.
13. The proposal, whilst a single storey in height, would position a featureless wall over 3 metres high along a significant proportion of the boundary with No 11, dominating and overbearing the part of the garden of No 11 closest to the house. Anyone in the garden of No 11 close to the dwelling or at the ground floor window closest to the boundary would experience an increased sense of enclosure from the new structure.

14. Further, the proposed extension would be positioned to the south-east of the ground floor window. I have limited information to demonstrate the degree of impact the proposed rear extension would have on light reaching the ground floor window of No 11. However, given the orientation and scale of the rear extension, its more substantial construction, lack of glazing on the boundary and the position of the window closest to the common boundary, it is likely that there would be some reduction in this instance.
15. The appellants argue that the proposed extension would have a similar impact on the occupiers of No 11 as the existing canopy. However the canopy is of lighter construction and glazed in the upper part. The proposed walls on the boundaries with both neighbours would be of a more solid construction. During my site visit I thus had the benefit of seeing the existing structure and its impact, together with the canopy on No 7, and my observations do not alter my findings above.
16. No 7 also has a ground floor window close to the boundary with No 9. Whilst this has a canopy structure on both sides, the proposal would still be of more substantial construction. Notwithstanding that there is enclosure on the common boundary of both properties, the more substantial construction of the proposal would create a greater sense of enclosure, although this is likely to be of a lesser degree than that experienced by the occupiers of No 11.
17. I therefore conclude that the development would result in significant harm to the living conditions of the occupiers of neighbouring properties in terms of a loss of outlook and daylight. The proposal would, therefore, be contrary to Policies DMD8, DMD11 and DMD37 of the DMD. In addition to those matters considered above Policy DMD11 of the DMD requires that rear extensions must have appropriate regard to their surroundings and not impact on the amenities of the original building and its neighbouring properties.

Other Matters

18. The proposal would provide more spacious living accommodation within the dwelling, however, the benefits to the occupiers of this additional space do not outweigh the harm to the character and appearance of the site and the surrounding area and the living conditions of neighbours that I have identified above.

Conclusion

19. For the reasons given above the appeal is dismissed.

I Dyer

INSPECTOR