
Appeal Decision

Site visit made on 25 January 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 09 February 2021.

Appeal Ref: APP/Q5300/D/20/3262679
13 Elvendon Road, Southgate N13 4SJ

- 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 Ryan Dando against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/02080/HOU, dated 7 July 2020, was refused by notice dated 2 September 2020.
 - The development proposed is the erection of a ground floor rear extension with side infill.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The proposed development includes the erection of single storey extensions to the side and rear of an outrigger of an already altered 2-storey property located within a primarily residential area. The appellant claims that some alterations could be undertaken to the property as permitted development. No specific proposals have been provided to enable a detailed comparison to be made between the appeal scheme and what could be erected as permitted development. Accordingly, this appeal has been determined based upon the proposals before me to assess.
4. Although exceeding the 3-metre depth for single storey rear extensions referred to in Policy DMD 11 of Enfield's Development Management Document (DMD), the proposed extension would not be of an excessive depth. Instead, there would be a common alignment with the existing addition to the rear of 11 Elvendon Road. The proposed extension would also have a depth similar to the various other rear additions to outriggers observed during the site visit and the mapping provided with the appeal.

5. The side extension would occupy the gap between the side elevation of the outrigger and the shared boundary with No. 15. No other side extensions of a similar design and siting were observed during the site visit. However, other than the gap to be occupied by the proposed development, no other similar gaps could be easily seen. Instead, what could be seen was the 2-storey outriggers projecting above the various means of enclosure surrounding the rear gardens. Overall, because of its siting, depth and height the proposed side extension would not conflict with the requirements of DMD Policy DMD 14 concerning the design of such additions.
6. When assessed as a whole, the proposed development would be subservient in scale to the host property and would not significantly detract from the property's contribution to the general character, appearance and rhythm of the terrace of similarly designed residential properties with 2-storey outriggers to the rear.
7. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Policy 7.4 of the London Plan (LP), Policy CP30 of Enfield's Core Strategy 2010-2025 (CS) and DMD Policies DMD 11, DMD 14 and DMD 37. Amongst other matters, and in addition to the design requirements for rear and side extensions, these policies require proposals to improve the quality of the built environment, including by reference to taking into account the nature of the surrounding area and promoting high quality development. DMD Policy DMD 8 is not of direct relevance to the appeal scheme because it concerns new residential development rather than alterations to a dwelling.

Living Conditions

8. The Council has claimed there would be harm caused to the living conditions of the occupiers of No. 11 associated with the proposed rear extension. However, the common alignment of the proposed rear extension and the existing addition to the rear of No. 11 would not result in a form of development that would unacceptably reduce levels of daylight, sunlight or outlook currently enjoyed by the occupiers of this neighbouring property. There would be no adverse impacts caused to the occupiers of No. 11 and, as such, no conflict with DMD Policy DMD 11 arises.
9. However, although areas of glazing are proposed, because of its height and siting close to the shared boundary the side extension would adversely affect the outlook of the occupiers of No. 15 from their ground floor windows. This element of the appeal scheme would have a tunnelling effect on the outlook from the window within the rear elevation of No. 15 which serves a habitable room. This tunnelling effect would be associated with the side elevation being materially higher than the boundary fence. Further, the side window within the outrigger of No. 15, which serves the kitchen and appears to be used as a dining area, would have an outlook towards the proposed side elevation. This outlook would be visually dominated by the proposed structure because of its height and siting.
10. There would be some change to the outlook from the ground floor windows of No. 15 associated with the proposed rear extension. However, this change in outlook would not be so significant so as to justify this appeal failing but it does add to the concerns about the outlook from the windows of No. 15.

11. The proposed side extension's glazing would assist in reducing the potential loss of daylight and sunlight reaching the rear windows of No. 15. However, this matter does not outweigh the unacceptable harm caused to the outlook of the occupiers of No. 15 by reason of height and siting.
12. On this issue it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties, specifically those occupying 15 Elvendon Gardens, and, as such, there would be a conflict with DMD Policy DMD 14 concerning preventing an adverse effect on residential amenity.

Conclusion

13. Although the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area this matter is significantly and demonstrably outweighed by the unacceptable harm caused to the living conditions of the occupiers of No. 15. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR