



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/20/3262932
93 Dorchester Avenue, Southgate N13 5DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Selva Mahesan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/02659/PRH, dated 19 August 2020, was refused by notice dated 29 September 2020.
 - The development proposed is to extend an existing single storey extension to a maximum of 6m.
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Decision

1. The appeal is dismissed.

Procedural Matter and Main Issue

2. The application submitted by the appellant was made to determine whether prior approval was required for an extension to an existing single storey rear addition under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Council determined that prior approval is required and refused the application. The basis for the refusal is the submission of representations from the owners/occupiers of the adjoining properties and the requirement for the Council to consider their amenity. The veracity of these representations is not a matter for me to assess. Accordingly, the main issue is the effect of the proposed extension on the living conditions of the occupiers of the neighbouring properties.

Reasons

3. The appeal property is a 2-storey terraced dwelling which already has a single storey addition. The flank walls of the addition are sited close to the shared boundaries with 91 and 95 Dorchester Avenue. The appeal scheme includes an increase in the depth of this addition from around 2.8 metres to 6 metres overall. The maximum height of the proposed extension's mono-pitched roof would not exceed 3 metres adjacent to the shared boundaries.
4. On either side of the property the adjoining dwellings have rear additions of varying sizes. Based on the Ordnance Survey map provided, the addition to the rear of No. 95 appears to be an original part of these terraced dwellings. The proposed extension would project beyond these neighbouring additions by

around 3 metres. Within the rear elevation of No. 95's addition is a window which appears to serve a kitchen. There are 2 openings within the rear addition of No. 91 with a patio door sited closest to the shared boundary. This opening appears to serve habitable accommodation.

5. Policy DMD 11 of Enfield's Development Management Document (DMD) identifies requirements for the design of rear extensions. Although the size requirements are not of direct relevance to this prior approval scheme, the other criteria do relate to consideration of the effect of a proposal on the living conditions of the occupiers of a neighbouring property. DMD Policy DMD 8 is not considered to be of direct relevance because it concerns new residential development rather than alterations to a dwelling.
6. DMD Policy DMD 11 refers to a line taken at a 45-degree angle from the mid-point of the nearest original ground floor windows of neighbouring properties. Accordingly, and as referred to in the justification and guidance for the policy, the criteria for assessing any impact of a proposed development do not take into account any existing additions to adjoining dwellings.
7. Based upon the Ordnance Survey and what was observed during the site visit, the original windows would have been within the rear elevations of the single storey addition and the main elevation. Notional 45-degree lines drawn from the original rear windows of No. 95 do not result in the property's existing addition encroaching beyond these lines. However, this would occur for the proposed development when applying the line to the kitchen window.
8. When the 45-degree line is drawn from the original window within the rear elevation of No. 91 then the existing addition already breaches this line and the proposed extension would increase the extent of the encroachment. Although not original, the proposed development would breach a 45-degree line from the patio window of No. 91.
9. The proposed extension would fail to accord with the application of the 45-degree line requirement of DMD Policy DMD 11. Although the rear elevation of the property is south facing, the scale and proximity of the proposed extension to the shared boundaries would be likely to result in a loss of sunlight and cause overshadowing to both the patio windows/patio in the late afternoon/ evening of No. 91 and in the morning of the kitchen window of No. 95.
10. By reason of the degree of projection beyond the neighbouring additions, the proposed extension would affect the outlook of the occupiers of Nos. 91 and 95 from the closest openings and the patio area. Although alone not reason for this appeal to fail, there would be some harm caused to the outlook of the neighbouring occupiers and this adds to the unacceptable harm already identified.
11. For the reasons given, it is concluded that this appeal should be dismissed because the proposed extension would cause unacceptable harm to the living conditions of the neighbouring occupiers and, as such, it would conflict with DMD Policy DMD 11.

D J Barnes

INSPECTOR