
Appeal Decision

Site visit made on 29 March 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/Q5300/D/20/3257728

111 Redlands Road, Enfield, EN3 5HW

- 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 & Mrs Pasquale Genco against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00919/HOU, dated 16 March 2020, was refused by notice dated 4 June 2020.
 - The development proposed is the construction of an outbuilding at the rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed outbuilding on the character and appearance of the host property and the wider area surrounding Redlands Road.

Reasons

3. No 111 is an end-terraced house situated on the western side of Redlands Road. It is a two-storey house with a single-storey rear extension and a large rear garden/amenity area. The rear garden wraps around the rear of Nos 111A and 113 Redlands Road, such that they have smaller rear gardens than other houses on this part of the road, which are typified by long narrow plots.
4. The proposed outbuilding would be sited on the area of land located at the rear of Nos 111A and 113 and would occupy a significant amount of this area. It would be sited around 2 metres away from the rear boundary with properties on Meadow Close behind, and around 2 metres from the side boundaries with Nos 109 and 115 Redlands Road at the narrowest point. Because of the shape of this area of land, the outbuilding would be around 3 metres away from the boundary with No 115 at the eastern end and also around 3 metres from the boundaries with Nos 111A and 113. On its southern side, the distance from the boundary with No 109 would increase slightly as the plot widens. The outbuilding would have a floorspace of around 61 sq metres. It would have a hipped roof with an eaves height of 2.5 metres and a ridge height of 4 metres.
5. Policy DMD7 of the Council's Development Management Document (DMD) indicates that development on garden land will be permitted if the development does not harm the character of the area. Policy DMD8 of the DMD indicates that all development should be of an appropriate scale, bulk and massing.

Policy DMD12 of the DMD indicates that proposals for outbuildings will only be permitted if all of the certain specified criteria are met. These include that the building must be ancillary to the use as a residential dwelling, and that they should be of an appropriate height and bulk so as not to adversely impact on the character of the local area. Policy DMD37 of the DMD indicates that development that is not suitable for its intended function, that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused.

6. The appeal property has a complex history. The Council has previously granted a planning permission for a large block of three garages to be erected at the rear of the site, which has not been implemented. There has also recently been a Certificate of Lawful Development (CLD) issued by the Council relating to an outbuilding of almost identical scale and siting to the current proposal under Class E of Part 1 of Schedule 2 of the General Permitted Development Order 2015 (GPDO). Class E relates to an outbuilding required for a purpose incidental to the enjoyment of the dwellinghouse as such.
7. The government's Technical Guidance on Permitted Development Rights for Householders (TG) states that examples under Class E could include common buildings such as garden sheds, other storage buildings, and garages as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen. The existence of the CLD is a material consideration in this case.
8. The appellants contend that the earlier permission for three garages on the site, along with the fall-back situation that an outbuilding very similar to the current proposal could be erected using permitted development (PD) rights, are an indication that the current proposal would not be out of character or otherwise unacceptable in the area. I accept that a building of the scale of the current proposal could be erected under PD rights, and that a similar scale of building has already had planning permission granted by the Council for use as a block of garages. However, I also note that, whilst there are a number of examples of house extensions and outbuildings at properties in the surrounding area, an outbuilding with the substantial size of that currently proposed for the appeal property is not characteristic.
9. The current proposal for the outbuilding at No 111 has been described on the application form as an outbuilding, and further information supplied by the appellants indicate that the building would be used as 'ancillary' to the use of the host dwelling.
10. I note that 'ancillary to' is not the same as 'incidental to', and that the appellants have indicated that the building could potentially be used as primary living accommodation. No evidence has been provided that the existing occupiers need such living accommodation for family members. I have no reason to suppose that the outbuilding would, in practice, be used in any way other than ancillary to the host property, and I accept that a suitable condition could be used to ensure that such use remained the case. However, I have significant concerns regarding the scale of the outbuilding and its consequent potential for intensification of use as ancillary primary living accommodation.

11. The proposed building is shown as having a floorspace of 61 sq metres. This is the equivalent of the space required for a 2-bedroom, 3 person house as given in the government's 'Technical housing standards – nationally described space standard'. Even if used only as ancillary accommodation, this is indicative of the scale of the additional occupational use that could potentially be provided by the outbuilding, and it is not possible to control the intensity of use by way of condition.
12. The appellants note that the property would still have over 170 sq metres of amenity space even after the construction of the outbuilding. However, some of this is front garden parking space and some is a driveway at the side of the house. Moreover, the scale and siting of the outbuilding, close to boundaries on three sides, means that much of the private amenity space around the building would, in reality, be of limited practical use. This would leave little effective usable space to be shared between the occupiers of the host building and, in addition, those using the outbuilding.
13. The appellants have made reference to a number of planning appeals where permission for an outbuilding to be used as ancillary accommodation has been granted. I note these examples, which have used the term 'granny annex' to describe the intended use, and I also note that a condition has been used in certain of these cases to limit the use to 'ancillary' accommodation and to prevent use as a separate dwelling. In this case, however, while I accept the fall-back position that a similar-sized outbuilding could be constructed and used as 'incidental to' the enjoyment of the house, it is clear from the government's TG that such use does not include normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen, as is proposed for the outbuilding at No 111.
14. In the light of the above, I consider that, by virtue of the scale and siting of the outbuilding, it would, if used for ancillary primary living accommodation, result in a very cramped and uncharacteristically high density of occupation and intensity of use of the appeal plot, both in terms of the host property itself and in terms of the otherwise relatively spacious character of the surrounding area. On this basis, it would adversely impact on the character of the host property and the area around Redlands Road, and it would be inappropriate in its context. It would, therefore, conflict with Policies DMD7, DMD8, DMD12 and DMD37 of the DMD. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR

