

Appeal Decision

Site visit made on 2 March 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021.

Appeal Ref: APP/Q5300/D/20/3262926

57 Mottingham Road, London N9 8EB

- 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 Mrs Raina Zaman against the decision of the Council of the London Borough of Enfield.
 - The application, Ref. 20/02036/HOU, dated 3 July 2020 was refused by notice dated 17 September 2020.
 - The development proposed is the erection of a new conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect on the character and appearance of the host dwelling and its surroundings, and (ii) the effect on the living conditions for adjoining occupiers as regards outlook and light.

Reasons

3. On the first issue, the Council considers that the proposed conservatory would be '*significantly harmful in terms of the character and appearance of the subject dwelling and the surrounding area*'. However, I saw on my visit that as a result of earlier extensions most of the original rear elevation no longer exists. At roof level there is a large box dormer; at first floor a flat roof extension, and at ground level a shallow pitched roof and 3m deep addition.
 4. The application plans show that the structure would be set in from the existing extension on its southern side and with a flat roof and height of 2.5m would also be at a lower height. The predominance of glazing including the polycarbonate roof would result in the conservatory having a subservient and 'lightweight' character and appearance.
 5. In the light of this and the existing additions, although I have noted the restriction in the depth of extensions in Policy DMD 11 of the Enfield Development Management Document 2014 ('the Local Plan'), the proposed addition of the conservatory would be of little or no consequence as regards the character or appearance of the host dwelling and its surroundings. I acknowledge the Council's point that the addition of a conservatory would depart from any concept of a common alignment of additions at the rear of Nos. 57-63. But with an absence of any public views, combined with the substantial
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alterations and additions that have already occurred at No. 57, this is more of a notional concept than a material issue that should be taken into account.

6. On the second issue, the Council argues that as regards the effect on No. 55 to the south, the conservatory would be too far away to result in a loss of light but together with the existing extension there would be a cumulatively adverse effect on outlook. However, because of the substantial distance from the southern boundary, I consider it inconceivable that a flat roofed 2.5m conservatory would actually affect the outlook from No. 55.
7. The effect on No. 59 is different because the conservatory would be erected almost on the shared boundary with that property. Bearing in mind the presence of the existing extension, a further addition without a greater offset from the boundary with No. 59 would inevitably have some cumulatively adverse effect in terms of outlook and sunlight currently enjoyed by the occupants of that dwelling.
8. The harmful effect would be lessened to some degree by the modest 2.5m height and the full glazing with uPVC frames above the 1m high base wall, albeit not enough to make it acceptable. Moreover, I note that the partial construction that has already taken place is in the form of blockwork (presumably to be rendered) rather than matching brick as shown on the submitted plans. Furthermore, blockwork piers at the two end corners have been built to something like the full height of the proposed addition, again different from the application plans.
9. This suggests a bulkier and quite different proposal from that being actually applied for, as described in paragraph 4 above, and one that would have a more harmful impact on the outlook and to a limited extent light currently available at No.59. In theory, this could be remedied by a condition that the development shall be carried out in accordance with the approved plans, but this would not address the matter of the unsatisfactory proximity to the boundary with No. 59.

Conclusion

10. Notwithstanding my favourable view for the appellant on the first issue, I conclude that because of the proposal's unacceptable effect on the outlook and light for the occupants on No. 59 in conflict with the Council's policies, in particular Local Plan Policy DMD 8 paragraph 1) criterion 'c', the appeal must fail.

Martin Andrews

INSPECTOR