

Appeal Decision

Site visit made on 19 April 2021

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2021

Appeal Ref: APP/Q5300/W/20/3264759

Land to rear of 280 Princes Avenue, Southgate, London N13 6HN

- 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 Peposhi against the decision of Enfield Council.
 - The application Ref 20/01257/FUL, dated 20 April 2020, was refused by notice dated 17 June 2020.
 - The development proposed is a one bed dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of future and neighbouring residents.

Reasons

3. The proposal would result in the construction of a single storey dwelling in the rear garden of the host property. There is a private access that serves the rear of these properties which links to Tottenham Road. This property and its neighbours have a range of outbuildings close to their rear boundaries. The property to the west has a building which has the appearance of a large garage when viewed from Tottenham Road but it has windows that face the main dwelling giving it a very domestic appearance. To the east of the appeal site there are two garages that face Tottenham Road.

Character and appearance

4. This proposal would result in a three metres high building which would extend significantly back into the site. Although it would appear higher and deeper than the existing buildings, I am not satisfied that it would adversely impact on the visual appearance of the rear of these properties. It is likely that it would have a more satisfactory appearance than some of the existing structures and given that it would be used as a dwelling, it is likely that it would be maintained to a high standard. It would have a simple design and high quality materials could be required by condition. It would not therefore result in harm to the character or appearance of the area. It would similarly not conflict with the design aspirations of policies DMD 6, DMD 7 and DMD 37 of Enfield's
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Development Management Document 2014 (DMD); or Core Policy 30 of the Core Strategy 2010 (CS). Although the London Plan 2021 has been adopted during this appeal, its design policies are consistent with the National Planning Policy Framework and there would be no clear conflict with them.

Living conditions

5. The new dwelling would offer a generally high standard of internal accommodation that would benefit from good levels of natural light. It would have an outside space that would be screened by the high fence and it would have convenient storage provision for bikes and bins. It would also have its own frontage that would be set away from the main road. Although the parties have not had the opportunity to make representations, I find generally that the development would gain support from the housing space and quality standards of the London Plan 2021.
6. The bedroom and living room would face the rear and would have large windows that looked into the shallow area of garden. This outside space would be bounded by the high fence. Beyond the fence would be the remaining area of garden serving the host dwelling. That property is set at a lower level but as it has a large loft conversion it is effectively three storeys high. Given the very limited garden depth, the need for the high garden fence and the distance to the second floor dormer structure and its rear facing windows, I consider that the outlook from the living room and bedroom would be significantly constrained. There would also be a direct line of sight from the Juliet balcony of the dormer extension, over the new fence, towards the rear windows of the living room and bedroom.
7. The living room would have an outlook to the front due to the open plan nature of the combined kitchen, dining area and lounge but its main outlook would be to the rear and this would be constrained. Limiting views from the dormer window would require enclosure of the garden which would reduce the outlook from these rooms. I am not satisfied that the layout would provide a suitable level of amenity with regard to outlook and privacy for the future residents.
8. The subdivision of the garden and its more intensive use would have the potential to result in harm from increased usage, particularly with regard to noise. This would be unlikely to harm the living conditions of existing residents but activity within the rear garden of the host dwelling in particular, but also activity in the rear of the neighbouring gardens, could take place in very close proximity to the rear windows of the proposed dwelling. This would result in disturbance for the new residents and this would be particularly concerning with regard to the use of the rear facing bedroom.
9. The proposal would result in unacceptable living conditions with regard to outlook, privacy and noise for the residents of the new building. Inter-visibility with the windows of the dormer structure would add to this concern. There would be conflict with the amenity requirements of DMD policies DMD 7(d), DMD 8(c) and DMD 10.

Other matters and conclusions

10. The Council have included a concern relating to the lack of provision of either a parking space or a parking stress survey to demonstrate that the off-site

requirements of this additional dwelling would not result in unsustainable parking demands. Demonstrating that the proposal would not result in unacceptable harm, in this respect, is a requirement of the development plan. It is not something that should be addressed by condition as suggested by the appellant. It has also been suggested that conditions could address the concerns raised with regard to energy efficiency and sustainable drainage, although the wording of such conditions has not been provided. Policies SI 2 and 13 of the newly adopted London Plan 2021 are relevant to these concerns. Although neither the appellant nor the Council have had the opportunity to comment on these policies, given my conclusions with regard to the amenities of future residents, these issues are not matters on which my decision would turn.

11. Although I note the Council's view that there is greater need for dwellings that are not of this size; and the housing need position generally, the provision of an additional dwelling in this residential area, even having regard to the loss of garden land, is a matter that can be afforded considerable weight in favour of the proposal. The social and economic benefits of an additional dwelling, particularly one that could be adapted for a range of occupiers and has good internal space standards, offers further support. I have already found that the proposal would not detract from the character or appearance of the area and may assist in improving its quality and maintenance. This is also a matter that weighs in favour of the development.
12. My main concern relates to the living conditions of future residents. The use of this proposed building as a dwelling, entirely independent of the host property, would not result in acceptable living conditions with regard to outlook, privacy and noise for future residents. Although there would be benefits from the provision of a new small dwelling, on balance, these would not be sufficient to outweigh my main concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR