



Appeal Decision

Site visit made on 22 June 2021

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/Q5300/W/20/3265634 79A Derby Road, Enfield EN3 4AP

- 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 Sergyeyeva against the decision of Enfield Council.
 - The application Ref 20/01402/FUL dated 7 May 2020, was refused by notice dated 28 October 2020.
 - The development proposed is a loft conversion with two rear dormers and two rooflights to the front roofslope.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Policies from the London Plan (2016) referred to by the Council in refusing permission have been superseded by policies from the London Plan (2021) (the LP), which has been adopted since the appeal was submitted. I must base my decision on the development plan prevailing at the time of my determination. In light of this, the main parties have had the opportunity to provide submissions in writing on the relevance of the new LP to the case.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

4. The appeal property is an upper floor apartment within a terraced property which lies on a residential street of similar dwellings. To the rear lies a track and garages, which separate properties from a similar row of dwellings.
 5. The proposed rear dormer would form an L shaped addition which would match the height of the roof ridge of the main element of the building, and would extend above that of the rear element by a significant degree. As a result, it would not be subordinate to the existing building, but instead would produce a bulky and top heavy appearance to the rear of the property.
 6. I acknowledge that elements of the development's proposed fenestration including obscure glazing and symmetry with existing features would not cause unacceptable harm to the area's appearance. Nevertheless, these would not overcome the harm caused by the scale of the proposed development as they relate to different considerations.
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7. Whilst the dormer would have very limited visibility from the highway, it would still be visible from surrounding properties. The undue prominence of the development would therefore be apparent within the wider residential area where roof forms are predominantly original. The appeal site's location outside any Conservation Area does not prevent a consideration of the proposal's effect on character and appearance in this way.
8. Policy DMD 13 of the Enfield Development Management Document (2014) (the DMD) states that roof dormers should be inset from the ridge of the roof (normally by 500-750 mm). The proposed dormer does not accord with this policy and this adds to my overall concerns regarding the size of the dormer within the dwelling's roof.
9. For the reasons above the appeal proposal would cause unacceptable harm to the character and appearance of the area, contrary to Policies D3 and D4 of the LP, which state that development proposals should deliver buildings that respond to local distinctiveness through their scale and appearance and should promote good design. Further conflict exists with Policy CP 30 of the Enfield Core Strategy (2010), which states that all developments in the public realm must be high quality. Additional conflict exists with Policy DMD 13 of the DMD, relevant sections of which are set out above, and with Policy DMD 37 of the DMD, which seeks to ensure that development is of a high quality.

Other Matters

10. My attention has been drawn to other extension schemes in the vicinity of the appeal site. Whilst I have limited details on the circumstances of these, the majority did not appear to have a comparable scale to that which the appeal proposes. Furthermore, it is likely that a number of them were constructed with reliance on permitted development rights which do not apply to the appeal property. Their circumstances were consequently materially different from the appeal proposal. Moreover, even if the other developments and circumstances were similar, they would not inevitably provide an example that should be followed even if harm results. Accordingly, the other developments do not alter my conclusions as to the unacceptability of the current scheme.
11. I acknowledge the stated household need for greater space, and I am sympathetic to this. Nevertheless, planning in general is concerned with land use in the public interest. It is probable that the development would remain long after the current personal circumstances cease to be material. For these reasons, this factor is a benefit to which I can attach only minimal weight.

Conclusion

12. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should not succeed.

C Beeby

INSPECTOR