



Appeal Decision

Site Visit made on 19 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Appeal Ref: APP/Q5300/W/21/3268798

9 Ridge Avenue, Southgate, LONDON N21 2RL

- 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 K Prabha against the decision of London Borough of Enfield.
 - The application Ref 20/03377/FUL, dated 16 October 2020, was refused by notice dated 14 December 2020.
 - The development proposed is the subdivision of the garden, demolition of existing outbuilding and erection of two storey dwelling, with a green wall, facing onto Elsie Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 20 July 2021. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into account any subsequent comments received in arriving at my decision.
3. The Council has cited policies 7.1, 7.2 and 7.4 of the London Plan (2016) in its reasons for refusal. These policies have been transposed and renumbered as policies D4 and D6 within The London Plan (2021) which has now been published. These policies are generally the same as the ones they have replaced. I shall take these into account in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposed dwelling on the living conditions of neighbouring occupiers, especially No's 9 and 11 Ridge Avenue (No's 9 and 11), with respect to outlook, daylight and sunlight, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. The proposed dwelling would be connected to 1 Elsiedene Road and occupy the rearmost section of land connected to No 9. The proposal would be a short distance from the side boundary of 11 Ridge Avenue and present a side elevation towards the rear windows of No's 9 and 11.
6. Policy DMD 10 of the Enfield Development Management Document (DMD)(2014) requires a minimum distance of eleven metres to be provided between windows and side boundaries. The policy states that this distance is necessary for adjacent occupiers to maintain adequate access to daylight and sunlight. The proposal would be much closer than this policy requirement. This proximity would have a bearing on access to sunlight, daylight and outlook.
7. The proposal would be to the south of No 9. Consequently, the occupiers of No's 9 and 11 would receive a reduced level of afternoon sunlight to the rear elevations of both of these dwellings due to the orientation, proximity and scale of the proposal. The impact on ambient daylight would also be significant due to the proximity and height of the proposal. There is a terraced row of dwellings to the immediate south of the site and a fir tree hedge along the road-side boundary of No 9. Although, recognising the existing trees have some impact on existing light levels these are not permanent features and could be removed if desired by the occupier. Although the existing dwellings to the south would have a demonstrable effect on the daylight and sunlight received, the proposal would substantially exacerbate this impact.
8. The appellant's sunlight and daylight drawings¹ show the impact of the proposal on some of the neighbouring properties. However, the evidence does not include a shadow path analysis. Also, a section drawing has not been provided to show the 25-degree skylight indicator from the rear windows of No 9. Nevertheless, it is clear to me that if such a detail had been plotted it would have intercepted the proposal after a short distance indicating an adverse impact. As a result, the assessment has not made a compelling case to negate concerns raised with respect to the impact of the scheme on sunlight and daylight.
9. Furthermore, the effect on the outlook from rear windows and within the garden of No 9 would also be substantially harmed due to the scale and proximity of the proposed dwelling. This harm would be exacerbated due to the reduced separation distance formed by the rear extension of the host dwelling, resulting in a cramped and oppressive outlook. Due to the height of the dwelling this would also dominate views from the rear garden of No 11 to a less severe but nevertheless significant level. Consequently, although No's 9 and 11 benefit from south facing aspects, these would be demonstrably compromised by the location of the proposed dwelling, especially No 9. Also, in consideration of local context, the relationship between the proposed dwelling and existing

¹ Drawings BRE01-P2, BRE02-P2, BRE10-P2 and BRE11-P2

built form is materially different to local development including that found at 5/7 Ridge Avenue and 2 Elsiedene Road.

10. As a result, the proposed dwelling would result in substantial harm to the living conditions of occupiers of 9 and 11 Ridge Avenue through harm to outlook, sunlight and daylight. The proposal would therefore be contrary to policies DMD 8, DMD 10 and DMD 37 of the DMD. The proposal would also not accord with policies D4 and D6 of the London Plan. These seek, inter alia, for development to provide sufficient daylight and sunlight for surrounding housing.
11. However, policies DMD 6 of the DMD and CP30 and CP4 of the Enfield Plan Core Strategy (2010)(CS) are not directly relevant to matters concerning living conditions and therefore not relevant to this issue.

Character and appearance

12. Ridge Avenue is a wide road within a residential area. Housing predominately consists of groups of traditional terraced properties with bay windows and decorative brick detailing. Elsiedene Road is similar in character to Ridge Avenue, but housing stands much closer to the footways resulting in a greater sense of enclosure when entering the secondary road. Housing within Ridge Avenue and Elsiedene Road have largely regular plot sizes and depths forming a regimented pattern of development. No's 9 and 11 are of a substantially different design to the local character of housing, being of a dormer bungalow style. The appeal site is a corner plot and consists of a dwelling that has been extended to the rear. Despite additions, the host dwelling generally follows established building lines and the scale of the local prevailing street form. As such, it makes a positive contribution to the character and appearance of the area.
13. The proposed development would be attached to 1 Elsiedene Road. It would follow the design, scale, building line and general form of the adjacent terraced row. However, its plot size and resultant relationship with surrounding built form would not complement the existing regimented pattern of built form in plot size or in spatial terms. It would crowd the existing dwelling on site and fail to respect the existing space around it. It would therefore represent a discordant addition to the streetscape. Moreover, the garden of the host dwelling is comparatively short and enclosed by landscaping and an existing garage. Therefore, the proposed dwelling would not offer a clear benefit to the street by infilling an otherwise perceived gap in the street frontage.
14. Taking the above points together, the proposed dwelling would be out of character with the established character and appearance of the area. Accordingly, the proposal would not satisfy the requirements of policy DMD 6, DMD 7 and DMD 37 of the DMD and CP30 of the CS. The proposal would also not accord with policy D6 of the London Plan. These policies seek, among other matters, for development to achieve a high-quality design, to reinforce locally distinctive character and for development in gardens to not harm local character.
15. Policy DMD10 of the DMD is concerned with separation distances and therefore not clearly relevant to considerations of character. Policy CP2 of the CS is concerned with housing supply and the location of new homes. As such, whilst recognising that the proposal would make a contribution towards housing, this

policy is not deemed relevant in the consideration of the effect of the proposal on the character and appearance of the area.

Conclusion

16. The proposal would contribute towards the supply of housing and would generate some, albeit limited, employment during construction. However, it would harm the character and appearance of the area and neighbouring occupier's living conditions and would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR