



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: 20th August 2021

Appeal Ref: APP/Q5300/D/21/3269399

84 Elmcroft Avenue, Edmonton, London N9 7DN

- 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 Annett Smith against the decision of Enfield Council.
 - The application Ref 20/02684/HOU, dated 28 September 2020, was refused by notice dated 2 December 2020.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 84 Elmcroft Avenue, Edmonton, London N9 7DN, in accordance with the terms of the application, Ref 20/02684/HOU dated 28 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 84E/05 (Block Plan), 84E/31 (Existing and Location Plans) and 84E/30 (Proposed Plans).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

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 Policies from the London Plan (2016) referred to by the Council in refusing permission have been superseded by policies from the London Plan (2021) (the LP), which has been adopted since the appeal was submitted.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.
3. I noted at my site visit that a rear dormer, which does not appear on the submitted plans, had recently been constructed at the appeal property. Nevertheless, any planning permission that may be required for the dormer is a separate matter for the Council and the appellant. Thus, I have determined the appeal on the basis of the plans originally provided.

Main Issues

4. The main issues are the effect of the appeal proposal on:

- The character and appearance of the area; and
- The living conditions of the occupiers of No. 82 Elmcroft Avenue, with particular reference to daylight and sunlight.

Reasons

Character and appearance

5. The appeal property is an end terraced dwelling on a residential street of similar dwellings. A ground floor rear extension was under construction at the property at the time of my visit. This would provide an additional room. The proposed first floor extension would lie partially above the ground floor element.
6. There are several examples of ground floor rear extensions at similar properties in the area. Dormer windows and first floor rear extensions are additionally present. Thus, there is a significant level of variation in the appearance of rear elevations in the vicinity, and the appeal scheme would be no more visually prominent than several of these. Furthermore, the proposal would result in a graduated appearance to the property which would soften the projection of the ground floor extension and would consequently have a positive effect on the property's appearance. As a result of these factors, the scheme would assimilate acceptably into the appearance of the area.
7. Thus, the proposal would have an acceptable effect on the character and appearance of the area. It consequently complies with Policy D4 of the LP, which requires development to deliver good design. Further compliance exists with Policy CP30 of the Enfield Core Strategy (2010) (the CS), which requires development to be high quality. Additional compliance exists with Policies DMD6, DMD8, DMD11 and DMD37 of the Enfield Development Management Document (2014) (the DMD), which require proposals to be appropriate to the existing pattern of development, to be of an appropriate scale, to have no adverse visual impact and to be of high quality.

Living conditions

8. No. 82 Elmcroft Avenue (No. 82) lies adjacent to the appeal property. Evidence is not available to demonstrate whether the proposed single-room extension would breach the requirement of Policy DMD11 of the DMD not to exceed an angle of 30 degrees taken from the nearest first floor window of No. 82.
9. Nevertheless, the proposal would lie on the other side of the appeal dwelling from No. 82 and would have a limited scale. Furthermore, the rear elevation of the terrace of properties is likely to benefit from reasonable levels of sunlight and daylight as a result of its south-facing outlook. Thus, as a result of its location, scale and the orientation of the terrace, the scheme would be unlikely to harm levels of daylight and sunlight at No. 82.
10. The proposal would consequently have an acceptable effect on the living conditions of the occupiers of No. 82, with particular reference to daylight and sunlight. Thus, it complies with Core Policy 30 of the CS and Policy DMD37 of the DMD, which aim to secure high quality design. Further compliance exists with the aims of Policy DMD11 of the DMD, which seeks to protect living conditions.

Other Matters

11. The Council partially relies on Policy D1 of the LP in support of its stance. This concerns the preparation of area assessments and development plans. However, substantive evidence to demonstrate conflict with this policy is not before me. Thus, it has only minimal relevance to the main issues of the appeal.

Conditions

12. I have imposed a condition specifying the approved plans because it creates certainty for all parties.
13. A condition in respect of materials is necessary in order to protect the character and appearance of the area, in accordance with the design provisions of Policies CP30 of the CS and DMD11 and DMD 37 of the DMD, the aims of which are set out above.
14. I have not imposed a condition requested by the Council which would have removed certain permitted development rights associated with the development. I am mindful of advice in the National Planning Policy Framework (2021) and the Planning Practice Guidance and I consider that the evidence does not demonstrate why removing such rights is necessary.

Conclusion

15. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

C Beeby

INSPECTOR