



Appeal Decision

Site Visit made on 1 September 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2021

Appeal Ref: APP/Q5300/D/21/3271304

92 The Fairway, Southgate N14 4NU

- 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 Gjovalin Marku against the decision of the London Borough of Enfield.
 - The application Ref 20/03870/HOU, dated 29 November 2020, was refused by notice dated 19 January 2021.
 - The development is retention of existing enclosed canopy.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the proposal includes the installation of new windows. The Council dealt with the proposal on this basis and so shall I.
4. At the time of the site visit I noted that the canopy structure has been completed. The application has been submitted retrospectively and I have dealt with the appeal on this basis.
5. The London Plan (2021) (LP) has been adopted in between the time the application was determined and the appeal submitted. Policies 7.1, 7.4 and 7.6 of the London Plan (2016) have been superseded by new Policies in the LP. Although the Council was invited to do so, it has not provided information as to whether or not it considers that the proposed development conflicts with policies of the LP. My reasoning below therefore makes no reference to the LP.

Main Issue

6. The main issue is the effect of the development upon the living conditions of the occupiers of 94 The Fairway with regard to outlook, daylight and sunlight.

Reasons

7. The appeal property is a two-storey end terrace dwelling located within a residential area. A structure has been constructed off a rear extension and is enclosed on two sides with a largely solid roof, an opening in the rear elevation and glazed panels above the boundary brick wall with No 94 leading onto a raised patio area.
8. Neighbouring property No 94 has also been extended to the rear leading onto a raised patio that is marginally lower than the appeal property. It has large folding doors in the rear elevation serving an open plan ground floor which is also served by a window in the front elevation.
9. Policy DMD 11 of the Council's Development Management Document (2014) (DMD) sets out the criteria against which proposals for single storey rear extensions are to be assessed against. Part 2b sets out that extensions must not extend beyond a 45-degree line taken from the mid-point of the nearest original ground floor window to any adjacent properties.
10. The development due to its height and depth breaches the 45-degree line taken from the nearest ground floor window at No 94 and there is no common alignment of extensions. The development would conflict with Part 2b of Policy DMD 11.
11. Whilst the development includes glazed panels and openings, I find that it has a significant adverse impact on the living conditions of the occupiers of this property by virtue of loss of daylight and outlook due to its position along the boundary and its overall height and depth forming an overbearing feature and creating a sense of enclosure.
12. The presence of the development projecting alongside the boundary, not only has an enclosing effect on the outlook from the rear of No 94 but is likely to overshadow it during the late afternoon resulting in an unacceptable loss of sunlight and daylight for the occupiers, particularly during the summer months, despite its orientation.
13. Whilst the occupier of No 94 does not object to the development, this counts neither for nor against it. It does not justify a scheme that I have found to be harmful.
14. I conclude that the development unacceptably harms the living conditions of the occupiers of No 94 contrary to DMD Policy 11 which seek to ensure that rear extensions do not impact on the living conditions of neighbouring occupiers.
15. I note the Council have referred to DMD Policies DMD 6, DMD 8 and DMD 14 and Policies CP4 and CP30 of the Core Strategy (2010) in the reason for refusal, however, I find that with specific regard to this appeal I have given them negligible weight in coming to my decision.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR