



Appeal Decision

Site Visit made on 27 September 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal Ref: APP/Q5300/D/21/3279768

91 Burford Gardens, Southgate, LONDON N13 4LR

- 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 Stewart Walters against the decision of London Borough of Enfield.
 - The application Ref 21/00886/FUL, dated 9 March 2021, was refused by notice dated 4 May 2021.
 - The development proposed is for an extension of the front roof slope, rear dormer and flat roof to create mansard roof and the installation of roof lights together with the addition of a rear roof terrace at first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, and
 - The effect of the proposal on the living conditions of neighbouring occupiers with respect to privacy, noise and disturbance.

Reasons

Character and appearance

3. Burford gardens consists of traditional housing, of mostly semi-detached and terraced groups, within a suburban location. These two-storey dwellings are within regimented rows with common building lines and roof lines. These include canted bay windows and ornate brick detailing which are also repeated along the street. Consequently, the form and design of the dwellings create a homogenous and consistent pattern of development. The appeal site consists of a detached dwelling, adjacent to the garden of a corner plot. It is within a prominent location, with exposed front and side elevations. It consists of a design that is similar to neighbouring development. It therefore makes a positive contribution to the character and appearance of the surrounding area.
4. The proposed mansard roof would be enclosed on both sides by parapet walls. The proposal would result in the removal of most of the depth of the gable roof above the dwelling's principal bay window. The effect of this would be to reduce its significance and increase the prominence of the steeper sloping roof. The proposed roof design would give the appearance of an essentially three-storey

building in an area more characteristic of two-storey development. The scale of the proposed roof would be a bulky and stark addition to the dwelling and surrounding streetscene. Although it would be consistent with local ridge heights, its form would not be sympathetic to the prevailing character of the area. It would place undue emphasis on the roof and fundamentally alter the design hierarchy of the dwelling.

5. As a result, the proposal would not reflect innovation, or the positive change promoted by the Framework. The removal of the rather unsightly rear box dormer window would be of limited gain to the character and appearance of the area. This would therefore not justify the substantially greater harmful effect of the proposal. Furthermore, although fittings and materials may be similar to the existing roof, these would be applied in a manner out of keeping with local development.
6. As a result, the proposed development would fail to complement the character and appearance of the surrounding area. Consequently, the proposal would fail to meet policy D4 of the London Plan (2021), policies DMD 6, DMD 8, DMD 13 and DMD 37 of the Council's Development Management Document (2014)(DMD), policy CP 30 of The Enfield Core Strategy 2010-2025 (2010)(CS) and the National Planning Policy Framework (The Framework) with respect to character and appearance. These policies, among other matters, seek development to be of an appropriate scale, be appropriate in its context and be sympathetic to local character.

Living conditions

7. The proposed first-floor terrace would be enclosed by a glass balcony. The evidence shows that the neighbouring dwelling has a single storey rear extension of around four metres, beyond this is a short canopy. Accordingly, users of the terrace would be able to look down into the garden of 89 Burford Gardens and directly into the property's first-floor rear windows. The view of the garden would be partially obscured by trees, but this alone would not mitigate the harm identified. Further neighbouring gardens and windows would also be overlooked but to a diminishing extent. Consequently, the use of the terrace would result in substantial and demonstrable overlooking into the dwelling and its immediate rear garden. However, noise and disturbance caused by occupiers using the terrace would be unlikely to be sustained or uncommon within a residential setting. As such, this would result in a negligible noise impact on adjacent occupiers.
8. Any privacy screening proposed to address this harm would need to be tall and wide. However, the addition of such screening would be likely to both harm the appearance of the dwelling and the outlook of the neighbouring occupiers. As such, a condition requiring a privacy screen would be likely to lead to further demonstrable impacts and would not therefore suitably mitigate the effect on living conditions.
9. In contrast, the outlook from the second floor Juliet balcony would be unlikely to be significantly greater than that possible from the existing rear dormer window. As such, this would not result in a substantial effect on the privacy of occupiers of nearby dwellings due to overlooking. Nevertheless, despite having not found harm in this regard, the use of the terrace alone would result in a substantial impact on the living conditions of neighbouring occupiers.

10. Accordingly, the use of the proposed first-floor terrace would result in a demonstrably adverse impact on neighbouring living conditions with respect to a loss of privacy. Consequently, the proposal would be contrary to policy DMD 8c of the DMD and the Framework in regard to living conditions. These policies, among other matters, seek to preserve privacy and to achieve a high standard of amenity for existing and future users. Policy D4 of the London Plan (2021), policies DMD 6, DMD 13 and DMD 37 of the DMD, and policy CP 30 of the CS, in relation to this issue, are not relevant as these do not relate to the effect of development on living conditions.

Other Matters

11. The appellant has identified a mansard roof design at 91 Fox Lane that is similar to that proposed. However, this is part of a dwelling that is within a group where mansard roofs and second floor accommodation are part of the established character. That area contains a greater variety of roof forms than that evident along Burford Gardens. Therefore, whilst this group is adjacent to traditional two-storey housing the transition is not pronounced or disharmonious.
12. During my visit I observed several front-facing dormer windows within houses on Caversham Avenue. The planning policy context of these sites is not in evidence nor are the details of when they were built. However, these are intrusive and bulky additions that make a negative contribution to the streetscene. Consequently, poor quality development would not create a precedent for future development elsewhere.
13. The Framework seeks to achieve sustainable development. The proposal would make effective use of the roof space and meet the evolving needs of the occupiers. The proposal would also provide some, albeit limited, employment for the construction industry. However, these merits are of limited weight and would not outweigh the identified harm.

Conclusion

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

B Plenty

INSPECTOR