
Appeal Decision

Site visit made on 24 September 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL
an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Reference: APP/Q5300/D/21/3277074
21 Tottenham Road, Southgate, London N13 6HY

- 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 D Bieniewski against the decision of Enfield Council.
 - The application (reference 21/00928/HOU, dated 11 March 2021) was refused by notice dated 21 May 2021.
 - The development proposed is described in the application form as follows: *"Rear canopy attachment to existing kitchen extension 4.5 m long , 2.6m width. Front and left side attached to existing kitchen wall extension. Total surface 11.7m2 Materials: wood ,stainless steel bolt anchors, PVCu Clear Corrugated on top"*.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a canopy to the rear elevation of the house, at 21 Tottenham Road, Southgate, London NH13 6HY, in accordance with the terms of the application (reference 21/00928/HOU, dated 11 March 2021), subject to the following condition:

The development hereby permitted shall have been carried out in accordance with the following approved drawings:

drawing number PA1 (Location Plan, Block Plan);

drawing number PA2 (Roof Plan Existing, Roof Plan Proposed);

drawing number PA3 (Rear Elevation Existing, Side Elevation Existing, Rear Elevation Proposed, Side Elevation Proposed).

Procedural matter

2. Since the development which is the subject of this appeal has already been carried out, the application is to be treated as one made under Section 73A of the Town and Country Planning Act 1990.

Preliminary points

3. Notwithstanding the description of the application that was given in the application form, the nature of the proposal can more clearly be expressed as the installation of a canopy to the rear elevation of the house, adopting the description used in the decision notice.

Main issue

4. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm is caused by overbearing appearance or overshadowing).

Reasons

5. Tottenham Road lies within a closely built up residential area of London, with Victorian terraces laid out in an essentially rectangular street pattern. Number 21 Tottenham Road is a mid-terrace house, although its immediate neighbours to the west have been redeveloped in a more modern form. The appeal building has been extended in the past by the addition of a kitchen extension on the ground floor, constructed of white-painted brickwork under a flat roof, in a conventional form.
6. At the rear of the kitchen extension, a simple canopy has been constructed on a timber frame, roofed with corrugated plastic sheet. According to the planning application form, the canopy was constructed in July 2020. Planning permission is now sought for this structure.
7. Planning policies are aimed at achieving good design standards generally, which includes providing good standards of accommodation while protecting existing residential amenities. Policies in both 'The London Plan' and the 'Enfield Plan Core Strategy 2010-2025' are relevant but particular attention is to be drawn to Policies DMD 8 and DMD11 of the 'Improving Enfield Development Management Document' (adopted in November 2014), since they specifically identify the need to safeguard residential amenities.
8. Similarly, national planning policies (as set out in the 'National Planning Policy Framework') also continue to emphasise the importance of achieving good design and they make it plain that new development should be sympathetic to its surroundings. The recent revisions to the 'National Planning Policy Framework' do not fundamentally affect these basic planning principles in the context of this appeal.
9. The house at number 21 Tottenham Road retains a modest but useful back garden and the new canopy provides a benefit to the occupiers, by creating a sheltered outdoor seating area. The simple canopy is neatly constructed on a timber frame that is inset from the side boundary with number 23 on the east and which abuts an existing projection on the west. The height of the canopy is lower than that of the adjoining kitchen extension.
10. The canopy would extend the depth of the footprint of number 21, in relation to the adjoining property at number 23, but the nature of the construction and the inset from the boundary significantly reduce the impact that it might otherwise have had. In this case, I am convinced that the canopy does not have a materially harmful impact on the living conditions of adjoining neighbours. It does not unduly overshadow the adjoining property, nor is the impact on neighbours' outlook unacceptable in planning terms.
11. I do not condone the unlawful nature of the construction but I must consider the canopy on its merits and I have concluded that it does not conflict with the Development Plan, in principle, and that it is acceptable in planning terms. In

short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

12. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the suggestions made by the Council in the usual way (without prejudice to their main arguments in the appeal). In this case, a condition to require commencement of the work within a stated period is not necessary since the development has already commenced and effectively completed. A condition is needed, however, to define the development hereby permitted by reference to the submitted drawings.

Roger C Shrimplin

INSPECTOR