The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCIArb MCIL

an Inspector appointed by the Secretary of State

Decision date: 02 November 2021

Appeal Reference: APP/Q5300/D/21/3276454
24 The Mall, Southgate, London N14 6LN

- 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 L Agathocleous against the decision of Enfield Council.
- The application (reference 21/00120/HOU, dated 11 January 2021) was refused by notice dated 16 March 2021.
- The development proposed is described in the application form as "Construction of Summerhouse and installation of boundary fencing to rear garden".

Decision

1. The appeal is allowed and planning permission is granted for the construction of a summerhouse and the installation of boundary fencing to the rear garden, at 24 The Mall, Southgate, London N14 6LN, in accordance with the terms of the application (reference 21/00120/HOU, dated 11 January 2021), subject to the following condition.

   The development hereby permitted shall have been carried out in accordance with the following approved drawings:
   unnumbered Ordnance Survey site plan (scale 1:1250);
   unnumbered Ordnance Survey block plan (scale 1:500);
   drawing number T09/2016/PP/01 revision A (Proposed Plans).

Procedural matter

2. The summerhouse was constructed during 2018-2019 and, 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.

Main issue

3. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

Reasons

4. The appeal site lies within a residential area of Southgate where, generally, the frontages are closely built up but the properties have relatively large gardens.

The Mall is an almost straight road, within a somewhat geometrical street pattern, mainly characterised by substantial semi-detached houses.

5. Number 24 The Mall is a large three-storey detached dwellinghouse, located between two semi-detached pairs, on the southern frontage of the road. It has a shared driveway with the neighbouring house at number 22, to the east, providing access to a large pair of garages. The back garden faces south and slopes down, away from the house, like the neighbouring gardens. Various sites in the vicinity have garden buildings of different types and sizes.

6. At the end of the garden at number 24 The Mall, a summerhouse has been constructed which occupies virtually the whole width of the plot. It has a main space that is designed for leisure use with a plant room and barbecue area projecting forward of the main rectangular floorspace, towards the back of the house. Adjacent to the new building a side boundary fence has been constructed, with a trellis above a typical boarded fence.

7. Planning permission is now sought for this summerhouse and the fence.

8. Policies in the Development Plan are aimed at protecting and enhancing the environment generally, as well as protecting residential amenities. Policies in the 'Enfield Plan Core Strategy 2010-2025' (adopted in November 2010) and the 'Improving Enfield Development Management Document' (adopted in November 2014) are especially important. Development Management Document Policies DMD12 and DMD37 have a particular relevance to this appeal.

9. Similarly, policies in 'The London Plan' and national planning policies (as set out in the 'National Planning Policy Framework') also emphasise the importance of achieving good design. They make it plain that new development is to be well designed and sympathetic to its surroundings and the recent revisions to the 'National Planning Policy Framework') do not fundamentally affect these basic planning principles in the context of this appeal.

10. The summerhouse has been constructed with a shallow pitched roof rising to a ridge in the centre of the plot, while the eaves are located alongside the side boundaries. The roof structure is exposed internally, providing a sense of space withing the main room. At the centre, the roof is higher than would be allowed by "permitted development" regulations, however.

11. The building is larger than would be allowed as "permitted development" and its impact on the surroundings must be considered on its own merits. In my view, the ridged roof is not overly dominant or intrusive in its setting and it is sited at a lower level than the house itself, which is a dominating three-storey building that looks down on the back garden. In its particular location, the outbuilding is not out of place in its surroundings and it does not unduly impinge on the character or appearance of the area.

12. The fence, too, is higher than would be allowed as "permitted development" but there is an adjoining structure in the neighbours' garden and the fence does not have a harmful impact on neighbours' amenities. Nor does it have a significant effect on the character or appearance of the surroundings.

13. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms. I have concluded that the outbuilding and the fence do not conflict with the Development Plan or with wider planning policies and I am persuaded that the scheme before me can properly be permitted. 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.

14. 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 substantially been completed. A condition is needed, however, to define the development hereby permitted by reference to the submitted drawings.

Roger C Shrimplin

INSPECTOR