



Appeal Decision

Site Visit made on 8 November 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2021

Appeal Ref: APP/Q5300/W/21/3276511

279 Bury Street West, Edmonton, N9 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs Thi Thuy Bui against London Borough of Enfield.
 - The application Ref 20/03799/HOU, is dated 23 November 2020.
 - The development proposed is single storey side and rear/side extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side and rear/side extension at 279 Bury Street West, Edmonton, N9 9JN in accordance with the terms of the application, Ref 20/03799/HOU, dated 23 November 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: 1:1,250 location plan, HELEN-11-PL01, HELEN-11-PL02, HELEN-11-PL03, HELEN-11-PL04, HELEN-11-PL05 (PROPOSED SITE PLAN), HELEN-11-PL05 (EXISTING & PROPOSED BLOCK PLAN), HELEN-11-PL06, HELEN-11-PL07A, HELEN-11-PL08A, HELEN-11-PL9A, HELEN-11-PL10
 - 3) The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Tree Survey dated 8 February 2021 and the measures detailed on the Tree Protection Plan Arbtech TPP 01 dated February 2021.
 - 4) The external finishing materials shall match those used in the construction of the existing building and areas of hard surfacing.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external openings other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no balustrades or other means of enclosure shall be erected on the roof of the extension. The roof of the extension shall not be used for any recreational purpose and access to the roof shall only be for the purposes of the maintenance of the property or means of emergency escape.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council's appeal statement states that they would have approved the proposed development, subject to conditions, had they determined the application. I have framed the main issues and reasoning around the Council's statement.
3. The submitted plans show a vehicular crossover providing access onto the site from Amberley Gardens. This is not included in the description of development on either the application form or appeal form. For the sake of clarity, it does not form part of the development considered in this appeal.

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the area,
 - The effect on the living conditions of neighbouring occupiers; and,
 - The effect on trees

Reasons

Character and appearance

5. The appeal property is an end-terrace dwellinghouse in a row of similar properties in this section of Bury Street West. The proposed extension would be of a similar height to the existing rear extension and would not appear unduly prominent in the street scene. It would be finished in materials matching those used in the existing house and would be a modest and subordinate feature. The extension would not therefore result in harm to the character and appearance of the area. It would consequently accord with Policies CP30 of the Core Strategy 2010 (the CS) and DMD6, DMD8, DMD11, DMD14 and DMD37 of the Development Management Document 2014 (the DMD). Collectively these policies require that extensions have regard to the character of the local area and not cause an adverse visual impact.

Living conditions

6. The proposed extension would not project any further to the rear than the existing rear extension. There would therefore be no greater harm to the living conditions of the adjoining occupiers than as existing. The side extension would be closer to the detached neighbour at No 277, but as Amberley Gardens lies between the houses there would be no material impact on the living conditions of the occupiers of that property. The proposed development would therefore accord with Policies DMD8 and DMD11 of the DMD. Taken together, these policies require that extensions cause no impact to the amenities of neighbouring properties.

Trees

7. There are two street trees next to the site, one on each street frontage, and these contribute to the overall character of the area. The proposed side extension would be close to the tree on Amberley Gardens, although the root protection area for this tree is likely to lie outside of the appeal site. The

submitted tree survey and protection plan include details of how construction would be managed so that no harm would come to these trees. These measures could be secured through an appropriately worded condition. The development would therefore accord with Policy DMD80 of the DMD which, amongst other criteria, requires that development retain and protect trees of amenity value on adjacent sites and ensure that their future long term health and amenity value is not harmed.

Conditions

8. I have considered the Council's suggested conditions and, where appropriate, amended the wording in line with national planning guidance.
9. I have imposed the standard time limit condition, and a condition specifying the approved plans for the sake of certainty. Given the visual importance of the trees in the public highway to the street scene, condition 3 requiring compliance with the recommendations of the tree survey is reasonable.
10. Condition 4 requiring matching materials is appropriate to ensure that the overall appearance of the development is acceptable within the street scene.
11. National planning guidance advises that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. In this case, it is considered reasonable and necessary to restrict the openings in the new extension as it would be sited close to the property boundary, and therefore windows opening outwards could overhang the public highway. In addition, preventing the use of the roof of the extension for recreational purposes is both reasonable and necessary in the interests of the privacy of neighbouring occupiers. I have therefore imposed conditions 5 and 6 on the permission.

Conclusion

12. There are no material considerations that indicate this appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR