



Appeal Decision

Site visit made on 2 November 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/Q5300/D/21/3276754

21 Highfield Road, Southgate, London N21 3HD

- 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 and Ms Zetter and Booth against the decision of The London Borough of Enfield.
 - The application Ref 21/00677/HOU, dated 23 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is a first floor rear extension and ground floor side and rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. The issues most relevant to this appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.
4. The appellant has referred to Policies D5, D6, D8, H2 and H10 of The London Plan, adopted March 2021, which were not referred to in the Officer's Report. These policies have been subsequently provided by the Council and have been considered as part of this recommendation.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of the appeal property and the neighbouring residents at No 19 Highfield Road with regard to outlook, light and privacy; and
 - the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

6. The appeal site is a two-storey, semi-detached property located on the northern side of Highfield Road. The appeal property and its attached neighbour, No 19, both have existing rear extensions and moderate gardens. No 19 has a large ground floor rear extension that covers the width of the dwelling and projects beyond the rear elevation of the appeal property. No 19 also has a first floor extension that is set back from the shared boundary, it has a chamfered edge and a window in the east-facing elevation. Both No 19 and the appeal property have first floor rear windows that are positioned close to the shared boundary.
7. The proposal includes a ground floor extension that would cover the width of the appeal property and project to a similar depth as the extension at No 19. The first floor extension would broadly mirror the development at No 19, it would have a chamfered edge and would be similarly set back from the shared boundary. There would also be a first floor window in the west-facing elevation.
8. Although the proposal shares significant similarities with the neighbouring scheme at No 19, the combination of the two first floor extensions would result in a tunnelling effect that would harmfully reduce the level of outlook available from the first floor windows at the two neighbouring properties. Upon my visit to the site, I observed the view from the first floor window at the appeal property and consider that the chamfered edge and set back of the extension from the shared boundary would not be sufficient to mitigate the harm to the living conditions of these habitable rooms. In any event, even if I accepted the appellants' statement that the proposal would not harm the amenity of the home that they live in, the lack of harm would not outweigh the harm identified in respect of the loss of outlook to the window at No 19. Despite there being no formal objections to this application, I must consider the living conditions of both the current and any future occupiers of these properties.
9. Furthermore, the first floor extension would encroach upon the 30-degree requirement as outlined in Policy DMD11 of the Development Management Document. While the development at No 19 was allowed at appeal, from the evidence submitted, it appears that the case was considered within a different development plan context where this requirement was not included in the language of the policy itself and where exceptions could be made.
10. Given the low ridge height of the first floor extension and north-facing orientation of the rear elevations, the proposal would not result in an undue reduction of available light. Similarly, the ground floor extension would not result in overshadowing or harm to the level of light available at No 19.
11. Concerns have been raised regarding privacy and overlooking relating to the proposed window in the western elevation at first floor level. However, a condition to ensure obscure glazing and restricted opening would be sufficient to mitigate any harm to the living conditions of the neighbouring residents.
12. Given the above, the proposed first floor extension would result in a harmful loss of outlook available to the first floor windows at the appeal property and No 19. The proposal would therefore be contrary to Policy CP30 of The Enfield Plan Core Strategy 2010-2025, adopted November 2010, which seeks to

ensure all development has special regard to its context. It would also conflict with the Development Management Document, adopted November 2014, specifically Policy DMD11 which seeks to ensure first floor extensions must not exceed a line taken at 30-degrees from the mid-point of the nearest original first floor window to an adjacent property. It would also be contrary to Policy DMD8 which seeks to ensure new development preserves amenity in terms of outlook, and Policy DMD37 which seeks to prevent development that is inappropriate in its context. Although the Council mention conflict with Policy DMD6 with regard to living conditions, this Policy does not appear central to this issue given it primarily focuses on residential character with respect to density. The Council have also mentioned conflict with Policies D1 and D4 of The London Plan, adopted March 2021, however these Policies do not directly address living conditions and are not considered relevant to this issue.

Character and Appearance

13. The appeal site is located in a mostly residential area that contains a variety of housing types, including a large number of terraced dwellings. The appeal property and No 19 share a broadly similar design, however the alterations to the rear of No 19 have considerably eroded the level of uniformity. No 17, to the western side of No 19, has a more contemporary design and is set back significantly from the highway which has disrupted the established building line along the wider section of Highfield Road. At the rear of the appeal property, the substantial depth of No 17 obscures views of the surrounding terraced dwellings to the west, many of which have single storey rear projections and some of which have short first floor projections.
14. The proposal would largely mirror the existing extensions at No 19. The width and depth of both the ground and first floor extensions would be similar resulting in a balanced form of development between the pair of properties. The proposal would respond to the existing pattern of development in the area and would not project beyond the rear elevations of No 19 and No 17. While the proposal is larger than the rear projections on terraced properties to the west, the scheme would predominantly be viewed in relation to its immediate surroundings, where a pattern of increased depths have been established. It would therefore be in keeping with the character and appearance of the area.
15. For the above reasons, the proposed development would not result in harm to the character and appearance of the area. As such, it would accord with Policy CP30 of The Enfield Plan Core Strategy 2010-2025 which seeks to ensure development has regard to its context, including through reinforcing local distinctiveness. It would also accord with the Development Management Document, specifically Policy DMD6 which seeks to ensure the scale and form of development is appropriate to the existing pattern of development; Policy DMD8 which seeks to ensure new development is of an appropriate scale, bulk and massing; Policy DMD11 which seeks to ensure proposed extensions have no adverse visual impact; and Policy DMD37 which seeks to ensure development has an appropriate regard to its surroundings. The Council have referred to The London Plan, specifically Policy D1, which primarily focuses on the preparation of local plans in each borough, and Policy D4 which focuses on the design process and scrutiny. However, these Policies are principally strategic in nature and do not appear directly relevant to the modest nature of the appeal scheme. The Council has also mentioned conflict with Policy D8, however this Policy refers to direct impacts upon the public realm

and does not appear relevant to the small-scale development on an individual dwelling. Nevertheless, the lack of conflict identified against the policies above with regard to character and appearance would not outweigh the harm identified to the living conditions of the occupiers of the appeal property and No 19 with regard to loss of outlook.

Other Matters

16. The appellants have stated that the proposed development would provide improved accommodation that responds to the needs of their family. However, this is a private benefit that would not outweigh the harm identified to living conditions with regard to loss of outlook.
17. The appellants have indicated that within some of The London Plan policies there is language to support the optimisation of housing. However, this must be considered in the context of all relevant policies in the development plan. In this instance, given the extent of the harm that would arise, the proposal's compliance with aspects of other policies would not outweigh the harm identified above.
18. Reference has been made to Policy in the National Planning Policy Framework which supports the use of airspace above existing premises. This is specifically in relation to the provision of new homes and not an extension to an existing dwelling.

Conclusion and Recommendation

19. The proposed development would not accord with the development plan, when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR