The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/Q5300/D/21/3276851
16 Doveridge Gardens, London N13 5BL

- 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 Parvish Ghoora against the decision of the Council of the London Borough of Enfield.
- The application Ref 21/00594/HOU, dated 17 February 2021, was refused by notice dated 21 May 2021.
- The development proposed is described as *'connection of out building to existing property with no external changes (5cm gap to be closed)'*.

Decision

1. The appeal is allowed and planning permission is granted for the connection of an outbuilding to the existing property with no external changes (5cm gap to be closed) at 16 Doveridge Gardens, London N13 5BL in accordance with the terms of the application, Ref 21/00594/HOU, dated 17 February 2021.

Preliminary Matter

2. Development has been carried out at the appeal site to construct a building (the appeal building).

Background and Main Issue

3. A lawful development certificate (LDC) was issued on appeal[1] for a proposed detached outbuilding (the LDC outbuilding). In the current appeal, the appellant maintains that in external dimensions and form the appeal building is essentially in accordance with the LDC outbuilding and, on that basis, seeks planning permission for it as a connected single storey rear extension instead.

4. The Council has previously refused applications[2] seeking to establish that such an extension should be given prior approval (PA) to be constructed as permitted development under the GPDO[3] then in force. The Council's reasons for refusal were effectively the same as for the current appeal application.

5. The plans provided, which purport to show the LDC outbuilding 'as approved' and the appeal building 'as built', do not correspond to what has actually been built. For example, the rear elevation of the appeal building contains three bi-fold doors and a two pane casement window; whereas both sets of plans show a rear elevation with five bi-fold doors and no windows. Furthermore, the description of the proposal in the header above, which is taken from the

[1] APP/Q5300/X/18/3218125
[2] 17/03026/PRH in 2017 and 18/02297/PRH in 2018
[3] Town Country Planning (General Permitted Development) Order 2015, as amended

application form, refers to a 5cm gap between the LDC outbuilding and the end of a previous flat roof single storey rear extension (the previous extension); whereas the LDC appeal Inspector's decision refers to a gap of 'some 7cm'. The actual external visible gap between these two structures, on one side, is mostly significantly less than even 5cm.

6. Taking this background into account, the main issue is the effect of the appeal building on the living conditions of the occupiers of Nos 14 and 18 Doveridge Gardens, having regard to natural light and outlook.

Reasons

7. The appeal property is one half of a pair of semi-detached houses in a residential street of similar houses. The other half is No 14 and on the other side is No 18. There is a flat roof single storey rear extension across the width of both of these houses. At No 14 it abuts the side of the previous extension and is a similar length (2m) and height to eaves level (3m)[4]. At No 18 it is a similar height but is 3m long. The long rear gardens of all three houses are mainly open, with close boarded timber fences 1.8m high, and the backs of opposing two-storey houses are a substantial distance away.

8. The appeal building is the same width as the previous extension, 4m long and 2.5m high to eaves level. It steps down in height compared to the previous extension and the appeal property has cumulatively been extended in depth by 6m overall. Only the appeal building projects beyond the two adjoining rear extensions — by 4m in relation to No 14 and 3m at No 18.

9. The 4m long side elevation of the appeal building is in close proximity to double patio doors at No 14. However, its relatively low eaves height and flat roof means that only a narrow upper band would project above a usually expected 1.8m or 2m high boundary fence or wall. Consequently, in itself this part has a limited screening effect and does not therefore unduly restrict natural light from a higher elevation in this direction, even in the morning. While there are some tall evergreen trees in the rear garden of the appeal property, due to the south facing orientation of No 14, natural light received through the patio doors is not restricted during the rest of the day.

10. Nor does this upper band significantly obstruct outlook from the patio doors, and to the limited extent that it does, it is in one direction only towards the appeal building. Perpendicular views down the garden, and views in the other direction, including across adjoining gardens and upwards towards the sky are not materially affected. The appeal building is, therefore, not unduly overbearing.

11. Due to the narrow passageway between the semi-detached pairs of houses, the other side elevation of the appeal building is further away from a window in the rear extension at No 18. While this room appeared to have an external waste pipe and might be a kitchen, I have considered it as a habitable room. Natural light and outlook from this window are currently significantly restricted by the close siting and size of an outbuilding in the rear garden of No 18. It also screens a large part of the appeal building which, as a result, has no meaningful independent effect on natural light and outlook.

[4] All dimensions are approximate, unless otherwise stated

12. Even if this outbuilding was removed, considering normal expectations for boundary fences or walls, the upper band of the appeal building would not itself significantly restrict natural light from a higher elevation in this direction, even in the afternoon, nor would it unduly effect views from this window. Moreover, these limited effects would be further mitigated by the shorter projecting 3m length of the side elevation of the appeal building.

13. A window on the far side of the rear extension at No 14, and double patio doors on the far side of the rear extension at No 18, are both significantly further away from the appeal building. As a result, in both cases, natural light and outlook are not materially affected by the appeal building.

14. Notwithstanding the above, the LDC outbuilding could have been lawfully erected. Setting aside the development that has taken place, it has not been suggested that the same, or a very similar outbuilding (including in siting and external dimensions) could not otherwise, in principle, be lawfully erected at the appeal site as permitted development under the current provisions of Class E of the GPDO.

15. Furthermore, I note that the Councils Development Management[5] (DM) Policy DMD11(2)(a) states that residential rear extensions must not exceed 3m in depth beyond the original rear wall of a semi-detached house and, in (2)(b), must not exceed a line taken at 45-degrees from the mid-point of the nearest original ground floor window to any of the adjacent properties.

16. However, with regard to (b), by virtue of the rear extensions at Nos 14 and 18, there are no original ground floor windows and I have considered the windows that are present. In addition, while part of the appeal building conflicts with (a) it has not been suggested that the same, or a very similar rear extension, could not, in principle, be erected as permitted development under the current provisions of Class A of the GPDO. This includes the possibility of the appeal property being extended cumulatively beyond the rear wall of the original house by 6m in total and 3m to eaves level. On the plans before me, these dimensions are not infringed taking the previous extension and the appeal building together.

17. Consequently, despite the Councils previous PA decisions, and noting that DM Policy DMD11 was adopted in 2014, the potential exercise of permitted development rights is a fallback position. Moreover, given the development that has taken place, the possibility of development under Class E or Class A is more than theoretical.

18. Taking all of the above into account, I find that the appeal building would not cause unacceptable harm to the living conditions of the occupiers of the adjoining houses at Nos 14 and 18 Doveridge Gardens, having regard to natural light and outlook. Consequently, it would comply with the Council's Core Strategy[6] Policy CP30 and with DM Policies DMD8, DMD11(1)(a) and DMD37. These policies include that development should preserve amenity in terms of daylight, sunlight, outlook and quality of life and in these regards its design should be appropriate to its context and surroundings.

[5] Enfield Development Management Document, November 2014
[6] Enfield Core Strategy, November 2010

19. It would also be aligned with objectives of the National Planning Policy Framework for achieving well-designed places with a high standard of amenity for existing residents.

Other Matters

20. The Council's officer report includes comments under a heading 'achieving a high quality of urban design' in the context of the character and appearance of the area. I note that there is no reason for refusal to this effect in the Council's decision notice. As a single storey rear extension, the appeal building is well-designed, has suitable external materials and integrates successfully with the previous extension and the appearance of the appeal property overall. Moreover, notwithstanding the size of the cumulative extension, it is not manifestly out of keeping with the general pattern of existing development in the immediate area, including some other rear extensions, and its siting is such that it is not prominent or conspicuous in the streetscene.

21. The Council has referred to the appeal building as subject to enforcement action, though no details are provided. The future use of the appeal building would be a separate matter for the Council. In terms of the operational development that has taken place, I have considered the appeal on its individual planning merits.

Conditions

22. The Council has suggested conditions to ensure that the development hereby permitted shall begin not later than 3 years from the date of this decision, for external materials to match the appeal property and so that it is carried out in accordance with the approved plans. However, the appeal building already exists, the materials used are satisfactory and, to all intents and purposes, externally it already appears visually connected to the previous extension. These conditions are not, therefore, necessary.

Conclusion

23. For the reasons given above, I therefore conclude that the appeal building is acceptable and that the appeal should succeed.

Robin Buchanan

INSPECTOR