The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date:4TH January 2022

Appeal Ref: APP/Q5300/D/21/3283770
36 Turkey Street, Enfield EN3 5TP

- 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 Ahmet Turgay against the decision of Enfield Council.
- The application Ref 21/02070/HOU, dated 20 March 2021, was refused by notice dated 28 July 2021.
- The development proposed is the conversion of garage with side first floor extension and rear ground & first floor extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The applicant's appeal form states that the site address is 34 Turkey Street. This has been confirmed through correspondence with the Planning Inspectorate[1] to have been made in error and that the appeal form relates to 36 Turkey Street which matches the Decision Notice and planning application form. I have proceeded with this appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development upon:

   - The existing building and the character and appearance of the locality; and
   - The living conditions of No.38 Turkey Street, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site is located along Turkey Street, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early to mid-twentieth century. The south side of Turkey Street where the appeal site is located contains semi-detached dwellings which have a symmetry in their placement with a consistent building line and setback with front gardens and visual gaps to the first floor in between properties where glimpses to the tops of trees in rear gardens are experienced. This experience gives a sense of spaciousness in and around the dwellings and combined with vegetation in front gardens, the street trees and vegetation along the brook on the opposite side of the road gives a leafy appearance to the area. There is also cohesion in terms of design with each of the pairs of semi-detached dwellings being two storeys, hipped roof forms, with forward

[1] Email from the applicant to the Planning Inspectorate, Dated 10 October 2021

protruding gable and canted bay window at first floor level with a large central coaxial chimney stack. Whilst the majority of windows and doors have been replaced with uPVC, the buildings have similar materials in terms of the use of pebbledash render, clay roof tiles and tile hangings under the bay windows.

5. The appeal site displays a number of positive qualities which are experienced within the street scene, being one of the characteristic semi-detached dwellings and containing many of the important design elements and original roof forms and visual gaps between properties which reinforce the local character and distinctiveness of the area.

6. In undertaking extensions to existing buildings, the Enfield Core Strategy (2010) (CS) Policy CP30 seeks to ensure that all development is high quality and design-led, having special regard to their context. The Enfield Development Management Development Plan Document (DPD) Policy DMD6 seeks that determinations are made regarding character and responding to the existing pattern of development. DPD Policy DMD 14 contains specific design considerations with regards to side extensions such as avoiding a 'terracing effect' by having a minimum separation distance of 1 metre from the property boundary, and responding to the character of the area.

7. The applicant's Statement of Case (SoC) notes that there is an example of a similar side extension undertaken at Nos 30 and 32 Turkey Street. In these examples both residences have extended towards the boundary at first floor level where the residual gap between the properties at the boundary being less than a metre. The Council Officer's report notes that both applications[2] were approved some time ago where in both cases each of these approvals was made in a previous policy position before the adoption of the current DPD. Whilst both parties do not go into detail with regards to the circumstances behind each of these approvals, it is unclear whether the determinations made or policy considerations are the same for these extensions when compared to the current considerations.

8. The current policy position seeks that a minimum 1 metre gap should be maintained from the residential dwelling to the property boundary which would allow a sufficient gap between properties and avoid any potential terracing effect. Whilst there is a proposal to set back the first floor approximately 35 centimetres from the boundary, the set back would not be sufficiently large enough to meet the DMD Policy DM14 which states that development should maintain a minimum of 1 metre from the property boundary. In this particular case, the minimum 1 metre gap should be maintained given the need to maintain the visual gap with important spaces in and around dwellings, avoid the terracing effect and be in keeping with the character and appearance of the street scene.

9. Consequently the scheme would not be in compliance with DPD policies DMD 14, DMD 6; and CS Policy CP30, as described previously. The scheme would also fail to comply with London Plan 2021 Policy D3 which seeks that a design led approach be adopted in order to respond to the local context.

Living conditions

[2] Enfield Planning Ref: No.30 (TP/00/0516) and No.32 (P12-02204PLA)

10. The main concerns raised from the Council are with regards to living conditions of No.38 as a result of outlook. No.38 contains the remaining half of the semi-detached dwellings with the appeal site. The rear garden of No. 38 is of similar size and width to the appeal site with this dwelling not containing any rear extensions, and having a hard standing area to the rear of the dwelling and a long garden.

11. The proposed extension would have a flat roof and would be approximately 3.3 metres tall and 4 metres in depth. The combined height and depth of the proposed extension would not be uncommon for this particular type of dwelling, and whilst there would be a change in terms of the experience of the rear garden area of No.38 with taller and longer built form along the shared boundary, I do not agree that it would be adversely detrimental to the neighbouring property. The combined width and length of the rear garden of No.38 currently enables a good outlook with the proposed extension affecting this outlook and sense of enclosure, but not to an adverse extent.

12. Taken as a whole, and in conclusion of this matter, the proposed extension would not cause adverse impact to the amenities of the neighbouring dwelling and be compliant with DPD Policy DMD 11.

13. I note that CS Policy CP30 is referred to as a reason for refusal with regards to living conditions. This policy is a strategic design-led policy which does not detail any considerations with regards to living conditions. As such the policy is not relevant to the consideration of this matter.

Conclusion

14. Whilst I have agreed with the applicant with regards to the reason for refusal to considerations around living conditions, when taken as a whole, this is not sufficient to outweigh the design policies and considerations which the scheme does not comply with. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR