



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: 21st January 2022

Appeal Ref: APP/Q5300/W/21/3266511

17 Lopen Road, Edmonton, London N18 1PN

- 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 Stavros Paraskevas against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/02795/FUL, dated 1 September 2020, was refused by notice dated 3 November 2020.
 - The development proposed is described as 'to extend and carry out a loft conversion to the existing property to provide 2No, 2 Bed/3 person maisonette flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The main parties were given an opportunity to comment on any relevant policies of the London Plan, March 2021. I have taken comments received into account in my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the appeal property and the area;
 - the living conditions of existing occupiers of No 15 Lopen Road, with regard to privacy, outlook and natural light;
 - the living conditions of future occupiers of the upper flat, with regard to internal habitable space and external amenity space, and of the lower flat with respect to privacy; and
 - the provision of family accommodation.

Reasons

Character and appearance

4. The appeal property is a two-storey end of terrace Victorian or Edwardian house, broadly typical in design and appearance to most houses in Lopen Road. It has not been greatly altered externally and has a front-to-back hipped main gabled roof and a short, narrower subservient two-storey rear wing with a gabled, monopitch cat-slide roof. It forms part of the distinctive pattern of similar houses on corner plots at junctions in this road, where there is an appreciable sense of spaciousness between adjoining houses.

Rear elevation extension

5. The layout of this extension would be similar in siting and depth to a single storey flat roofed extension at No 19 Lopen Road which faces sideways onto Hinton Road, on the opposite corner of the junction. The side elevation of the lower part would also match the extension at No 19 and would, in effect, be little different visually to the existing boundary wall. However, the side elevation would rise seamlessly upwards on the same plane, and return into the appeal site, to enclose a roof terrace and an external staircase to the second floor proposed rear roof extension.
6. Despite the angled, stepped profile of the top of the wall, it would nonetheless be inordinate in height next to the roadside boundary of the appeal site. It would also extend a significant distance to the rear of the appeal property at this substantially higher level. Such a structure would, therefore, be at odds with the prevailing shorter, mainly single storey rear extensions of most houses in Lopen Road either side of the Hinton Road junction. In addition, combined with its alignment, and albeit a wall, it would nonetheless add substantial scale and massing of built form to this part of the appeal property and appeal site where there is currently none. This would result in a significant reduction in openness and unduly erode the gap to the adjoining house in Hinton Road.

Rear roof extension

7. The conventional (dormer) part of this L-shaped extension would be in the main roof slope. However, on one side a virtually flat roofed, roof level extension would project beyond the main roof, in-depth, over the entire first floor of the rear wing next to the roadside boundary of the appeal site. Though it would not exceed the highest part of the main roof, this part of the roof level alteration would obliterate the structure and form of the pitched roof rear wing. This would result in the loss of the step-down in height from the main roof to an original subservient rear wing, which is a largely intact feature of most other houses along this side of Lopen Road. Moreover, it would substantially increase the overall scale and massing of built form at this most exposed, highest second floor level and result in an overly dominant expanse of roof level accommodation.
8. Accordingly, despite matching materials, both extensions would result in fundamental and unsympathetic alterations to the intrinsic form of the appeal property. These changes would be unduly prominent and conspicuous in short and longer distance public views from Lopen Road and Hinton Road. Moreover, in combination, the resulting stepped down design at the rear of the appeal property would nonetheless result in an awkward and incongruous addition to the appeal property and be at a significantly more elevated level overall. This discordant, bulky profile would jar in the streetscene.
9. I have been referred to some other nearby development. Notwithstanding the appellant's suggestion that the rear dormer at No 11 Hinton Road does not appear to 'follow Enfield Guidelines' it is, albeit slightly stepped back, in a frontage of houses, not on the corner of a junction. No 41 Lopen Road has been extended in a manner similar in principle to the proposal. However, it does not establish a prevailing arrangement of built form on corner plots in Lopen Road, which are broadly more in-keeping with the appeal property. These developments can therefore be distinguished from the current appeal. Furthermore, having regard to the relevant provisions, conditions and

limitations of the GPDO¹, the design and siting of the proposal would be such that it could not be erected as permitted development. I have, in any event, considered the proposal on its individual planning merits.

10. Taking all of the above into account, I find that the proposed rear extension and roof extension would harm the character and appearance of the appeal property and the area. Consequently, it would conflict with Core Strategy² (CS) Policy CP30 and Development Management³ (DM) Policies DMD6, DMD11, DMD13 and DMD37. These policies seek to ensure that development has regard to its locally distinctive context, including in scale and form be appropriate to the existing pattern of development, have no visual impact and secure a common alignment of rear extensions. In addition, be appropriate in size and location within the roof plane, in keeping with the character of the property and not dominant when viewed from the surrounding area.

Living conditions – No 15 Lopen Road

11. The first floor terrace would extend more than halfway across the appeal site, towards the house at No 15, and a significant distance in depth down the site. The parapet wall would not be tall enough to prevent people on the terrace, or using the staircase, from overlooking the rear garden of No 15, or obtaining views into rear and side facing ground and first floor habitable room windows. Such views would be from a direction and position that currently does not exist at the appeal site. As a result, the elevation and immediacy of these views, and associated noise and disturbance from normal domestic activity such as entertaining, would be unduly intrusive. An obscured glazed panel above the wall would not address views from all of the staircase. Nor would it, given the close juxtaposition of No 15, alleviate a tangible unacceptable perception of overlooking, or actual noise and disturbance.
12. There is a relatively narrow gap between the original rear and side elevations of the appeal property and No 15. The proposed rear roof extension would substantially increase the depth and vertical height of built form facing towards habitable room windows in these parts of No 15. Despite its flat roof it would, therefore, significantly restrict upwards outlook from these windows and result in a commensurate reduction in natural light received through these windows. These adverse impacts would be most pronounced in the ground floor rooms, which are likely to be most actively used.
13. Considering the above, I find that the first floor terrace, staircase and rear roof extension would harm the living conditions of the existing occupiers of No 15 Lopen Road, with regard to privacy, outlook and natural light. Consequently, it would not comply with CS Policy CP30 or with DM Policies DMD8, DMD11 and DMD37. These policies include that extensions must have regard to their context and surroundings and have no impact on the amenities of neighbouring properties by preserving daylight and sunlight, outlook, privacy and having regard to overlooking and noise and disturbance.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, Schedule 2, Part 1, Class A, Class B and Class C.

² Enfield Core Strategy, November 2010.

³ Enfield Development Management Document, November 2014.

Living conditions – future occupiers

Upper flat

14. The appellant maintains that the second floor would achieve a 2.3m internal floor to ceiling height, as is annotated in the appeal plans for the first floor. However, there is no dimension on any section plan before me to show this for the second floor. Moreover, comparing the as drawn heights, the second floor ceiling height is lower than the first floor and a significant part of the second floor would be within the hipped roof space. Consequently, the appellant has not demonstrated that sufficient of the otherwise acceptable floorspace area in the upper flat would achieve an internal floor to ceiling height of 2.3m and provide an appropriate level of useable accommodation.
15. In DM Policy DMD9 and Table 2.1B (dwellings without access to communal amenity space) there is no private amenity space standard for the proposed 2 bedroom, 3 person flats. The Council seeks a minimum area of 23m² which is met for the lower flat. Albeit that this is, as a matter of fact, the minimum figure shown in Table 2.1B, it applies to a 2 or 3 bed, 4 person dwelling. The appellant maintains that 6m² for the upper flat would comply with the 'London SPG'. However, this document is not before me in evidence and I cannot be certain that this would be so.
16. Notwithstanding the above, I note that 6m² would be aligned with what DM Policy DMD9 and Table 2.1A indicates is appropriate for a 2 bedroom, 3 person dwelling 'with access to communal amenity space'. However, no communal amenity space is proposed or suggested and, in these circumstances, the proposed 10m² private amenity space would be substantially less than 23m². It would, therefore, significantly detract from its intended purpose and function for the size of proposed flat. Consequently, the appellant has not justified that providing less than half of the Table 2.1B minimum standard of private amenity space is adequate for the upper flat.

Lower flat

17. The parapet wall would also not be tall enough to prevent people on the terrace or using the staircase from directly overlooking the lower flat garden. As a result, the elevation and immediacy of such views, and associated noise and disturbance from normal domestic activity such as entertaining, would be unduly intrusive. Obscured glazed panels would not overcome these adverse impacts for the same reasons explained above for No 15 Lopen Road.
18. Taking all of the above into account, I find that the proposal would harm the living conditions of future occupiers of the upper flat with, regard to internal habitable space and external amenity space, and of the lower flat with respect to privacy. Consequently, it would not comply with CS Policies CP4 and CP30 or with DM Policies DMD8, DMD9 and DMD37. These policies include that development must have regard to its context and surroundings and meet or exceed standards for internal and amenity space, which should be high quality, and preserve amenity in terms of privacy, overlooking and noise and disturbance.

Family accommodation

19. The appeal property is a 2 bedroom house with a double bedroom, a single bedroom and a rear garden. It could therefore be occupied by a small family.

However, the lower flat would provide the same scope of accommodation. There would, therefore, be no loss of a family sized property. Moreover, given that there is no existing 3 bedroom family unit, there is no apparent justification for any compensatory provision of 3 bedroom family accommodation. Accordingly, I find that the proposal would not conflict with CS Policies CP4 and CP5 or with DM Policy DMD5. These policies resist a loss of homes, seek to ensure a range of housing sizes and where appropriate provision of 3, or more, bedroom family accommodation.

Other Matters

20. The Council's procedural handling of the appeal application, prior to making its decision, is not a matter before me in this appeal.

Planning Balance

21. In terms of benefits, a net gain of one home would make a small contribution to the Council's housing supply. The proposal would also retain family sized accommodation and result in refurbishment of the appeal property. These outcomes would be aligned with objectives of the National Planning Policy Framework (Framework) to significantly boost the supply of homes and meet people's living needs, including first time buyers. Commensurate with the scale of the development, these are therefore factors which carry modest weight in the proposal's favour.
22. The proposal would make satisfactory provision for storage of cycles and refuse. There is no flood risk, no highway impact and no loss of trees. The absence of harm, and compliance with development plan policies and the Framework in these respects, are therefore neutral factors in my decision.
23. However, the Framework also seeks to achieve well-designed places. In particular, to ensure that development adds to the overall quality of an area, is visually attractive as a result of good architecture and layout, sympathetic to local character, including the surrounding built environment, and building type should maintain a distinctive sense of place. The proposal would cause harm to the character and appearance of the appeal property and the area and I give substantial weight to this consideration. The proposal would also cause harm to the living conditions of existing and future occupiers, at odds with the objective of the Framework to ensure a high standard of amenity. I also give substantial weight to this consideration.
24. The proposal would, therefore, conflict with relevant development plan policies, which are consistent with the Framework, and would diminish the Council's objectives in these regards. I consider that collectively the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

25. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given above, I conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR