

Appeal Decision

Site visit made on 27 January 2022

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/Q5300/D/21/3285880
16 Slades Hill, Enfield EN2 7DH

- 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 Dr Surraiya Zia against the decision of the Council of the London Borough of Enfield.
 - The application ref. 21/02320/HOU, dated 10 June 2021, was refused by notice dated 25 August 2021.
 - The development proposed is "Single storey lean to conservatory extension at rear/side with extension to patio with balustrade, outdoor shower unit, replacement of side fence and detached gym at rear (Retrospective)."
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Decision

1. The **appeal is dismissed** insofar as it relates to the single-storey lean-to conservatory extension at rear/side, outdoor shower unit, replacement of side fence and detached gym at rear and planning permission is refused for the single-storey lean-to conservatory extension at rear/side, outdoor shower unit, replacement of side fence and detached gym at rear.
2. The **appeal is allowed** insofar as it relates to an extension to patio with balustrade and planning permission is granted for an extension to patio with balustrade at 16 Slades Hill, Enfield EN2 7DH in accordance with the terms of the application, ref. 21/02320/HOU, dated 10 June 2021 and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Preliminary matters

3. Insofar as the potential impact upon neighbouring amenity is concerned, the Council's delegated report contains an assessment table which conflicts with the "*Officer comment*" below it. I have taken the latter comments into account as they are more consistent with the second reason for refusal in the decision notice. That said, that reason should have referred to 14a Slades Hill (like the comments in the delegated report) and not to no. 14.
 4. As requested by the Council in its questionnaire, in addition to visiting the appeal property I also inspected the developments the subject of the appeal from within the rear-facing rooms and rear garden of 14a Slades Hill.
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5. Close to the south-eastern boundary of the back garden of the appeal property stands a metal shed and an outbuilding which benefits from a lawful development certificate for use as a self-contained annexe (ref. 21/02321/CEU). That metal shed and annexe are not before me in this appeal.
6. Although it was not confirmed in the Council's questionnaire, the delegated report indicates that the site is covered by a Tree Preservation Order. The application form stated that no trees or hedges need to be removed or pruned in order to carry out the proposal. The application was submitted retrospectively. The development is complete and the decision notice does not refer to the loss or potential loss of trees as a result of the development.
7. The Council, the appellant and the residents of no. 14a have somewhat divergent views about the origins of the side fencing next to the boundary with no. 14a. As the subject lean-to glazed structure has been arranged against it, the fencing is an integral part of the development that has taken place and it is shown on the submitted plans. The Council cannot be criticised for including it in the description of development. I am required to consider the scheme as a whole. The appellant maintains the fence was erected in 2013, with the top section being repaired and replaced in 2020. This is an argument that the fence is lawful either through the passage of time or because it did not require planning permission as such. Within the context of an appeal made under section 78 of the Act it is not within my remit to formally determine whether the proposed development (in part or in whole) is lawful as raised by the appellant. If the appellant wishes to ascertain whether this part of the development is lawful, an application may be made under section 191 or section 192 of the Act.

Main issues

8. The main issues concern the effects of the development upon the character and appearance of the host property and its immediate surroundings and upon the amenities of the neighbouring property at 14a Slades Hill with particular regard to any sense of enclosure.

Reasons

9. No. 16 is a detached and fairly modern house which has been extended to the rear and side. It has a large and irregular-shaped back garden which slopes down away from the house. No. 14a is a similar detached house which stands close to the south-eastern side of no. 16 on a smaller plot of ground. The common side boundary at the rear is marked by a fence which is about 1.92 m high, as measured at the end of the back garden of no. 14a. The appeal site and its surroundings have a pleasant and varied residential character.
10. The glazed lean-to extension, which has a partially open design at its rear end to provide for a BBQ area, is sited adjacent to the boundary with no. 14a. It reaches a depth of about 8.7 m from the rear of the previously permitted side and rear extension which the Council states has a depth of 5 m. The combined rear extension of about 13.7 m amounts to a very significant projection from the rear of the original dwelling, thus appearing disproportionately large.
11. This lean-to extension is of modest width, built with lightweight materials, located alongside a boundary, not readily visible from any public vantage points

and is situated in an area where there is a somewhat varied building pattern. Nonetheless, the extensive array of uPVC frames gives substance and permanence to the structure and its excessive protrusion into the rear garden of the host property is clearly evident when viewing from within the site and from no. 14a. It flies in the face of Policy DMD 11 of Enfield's Development Management Document November 2014 (DMD) which states that single-storey rear extensions must not exceed 4 m in depth beyond the original rear wall of a detached dwelling. This is not a marginal case. The glazed lean-to extension is a dominant and incongruous attachment to the rear of the dwelling. It has an adverse visual impact by reason of its failure to respect the scale and proportions of the host property and to complement the building's otherwise neat overall composition across the ground floor rear elevation.

12. I am afraid that the outdoor shower unit and side fencing, both of which are attached to the lean-to structure, merely compound the incongruity of that structure, whilst the basic materials used in their construction are lacking in quality and attractiveness. The detached gym at the rear has the appearance of a fully glazed conservatory, again with a substantial amount of uPVC frames. Given its position between and very close to the annexe and the metal shed, it is a structure of sufficient height and bulk to effectively complete the diverse accumulation and inappropriate concentration of development along the south-eastern boundary of the garden which harmfully detracts from the character and appearance of this suburban rear garden environment.
13. Of equal concern is how the glazed lean-to extension and the fence attached to it run adjacent to virtually all the side boundary behind no. 14a. The top of that fence reaches a maximum height of about 3.47 m above ground level, measured at the end of the garden of that neighbouring property. In my view, this is excessively high for what is a domestic setting. Despite the presence of some vegetation close to this boundary, these parts of the development appear as oppressive and dominant features in the outlook from the rear garden and the habitable rear-facing rooms of no. 14a. Those parts of the neighbouring property have been made less pleasant by the overbearing presence of the development which has led to an excessive sense of enclosure.
14. The Council raised no clear and specific objections to the extension to the patio with its accompanying glass handrail or balustrade. I see no reason to disagree. It has been finished with high quality materials. A sizeable area of lawn and some attractive soft landscaping remain in the rear garden. I have assumed that the extended part of the patio/terrace would see normal domestic use. It is notably lower than the floor level in the approved ground floor rear extension and the previously permitted patio and it starts further out into the garden. Thus, it is difficult to make a case that even if all of the appellant's fencing attached to the glazed lean-to structure was eventually to be removed, the subject extended part of the patio/terrace would give rise to a material increase in overlooking of the neighbouring garden at no. 14a. I noticed also that there is well maintained planting inside the boundary of no. 14a which would help to ensure that the areas of the garden closest to that house, where the occupiers are most likely to relax in the warmer months, would remain quite private.
15. Although I found the detached gym at the rear and the outdoor shower unit to be unacceptable on the grounds of character and appearance, they are sited and

of a scale where there would cause no direct material harm to neighbouring residential amenities for any reason. However, if the outdoor shower unit is the cause of the seriously boggy ground I witnessed at the end of the rear garden of no. 14a, a short distance away, that would be a reason to find further harm to the amenities of those neighbouring occupiers. Without a drainage report from a suitably qualified professional, it is difficult to take this matter further and in any event, I have found against the outdoor shower unit for other reasons.

16. I conclude on the main issues that, with the exception of the extension to the patio with balustrade, the other constituent parts of the development have variously harmful effects upon the character and appearance of the host property and its immediate surroundings and upon the amenities of the neighbouring property at 14a Slades Hill, with regards to an increased sense of enclosure. As there is an adverse visual impact and harm to the amenities of a neighbouring property and a failure to deliver high quality design, to have appropriate regard to the surroundings and the character of the local area and to maintain and improve the quality of the built environment, those parts of the development would conflict with the aims of the most relevant development plan policies (Core Policy 30 of Enfield's Core Strategy November 2010 and Policies DMD 11, DMD 12 and DMD 37 of the DMD). Good design is also a cornerstone of the National Planning Policy Framework (the Framework).
17. The Framework advises that local planning authorities should approach decision making on proposed development in a positive and creative way and should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. As I have found that no material harm would result from the extension to the patio with balustrade, I intend to issue a split decision on this appeal: this will permit the extension to the patio with balustrade but not the other parts of the development proposed.
18. As the part of the development I am permitting has already been carried out, I see no need for any of the 3 planning conditions the Council suggested in its questionnaire relating to the time period for the commencement of development, the specification of plans and the use of matching materials. Given my assessment in paragraph 14 above I see no compelling need for a condition requiring any of the fencing attached to the lean-to conservatory extension to remain, as suggested by the occupiers of no. 14a. I should add here in more general terms that it is not for me to comment on how the Council or the appellant should proceed in the light of this decision in respect of any of the works that have taken place. This is a decision on the planning merits of the development the subject of the planning application. It would be open for the Council and the appellant to engage in discussions about the way forward.
19. I have considered all the evidence from all the parties but I find no other matters to outweigh the findings that have led to my decision on this appeal.

Andrew Dale

INSPECTOR