



Appeal Decision

Site visit made on 22 March 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22/04/2022

Appeal Ref: APP/Q5300/D/21/3272394

22 Marlborough Road, LONDON, N9 9PT

- 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 Mrs Elina Hamze against the decision of London Borough of Enfield.
 - The application Ref 20/03591/HOU, dated 2 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is existing bay window and a new one to rear first floor.
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Decision

1. The appeal is allowed and planning permission is granted for an existing and new bay window to rear first floor at 22 Marlborough Road, London, N9 9PT in accordance with the terms of the application, Ref 20/03591/HOU, dated 2 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed on issue sheet 997-003.

Preliminary Matters

2. One of the bay windows is already in place. The reference to the proposal being retrospective is superfluous and I have left it out of my decision.
3. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021 and the London Plan 2021 has been published. The Council and appellant have had an opportunity to address the implications of these changes through their submissions.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the building and surrounding area and on the living conditions of the occupants of 20 Marlborough Road, with particular regard to privacy.

Reasons

Character and appearance

5. The appeal site, 22 Marlborough Road, is an end terraced two storey dwelling located within a residential street comprising terraces of similar dwellings. To the rear of the dwelling it is possible to see a range of extensions and alterations that have taken place to neighbouring dwellings.
6. Whilst bay windows are not a feature of the host dwelling and are not evident on the neighbouring dwellings, other examples of bay windows are apparent within the vicinity of the site along Latymer Road and the rear elevation of the dwelling would not be seen from public viewpoints. Therefore, the introduction of bay windows would not appear incongruous when viewed within the context of the area.
7. Moreover, I have nothing before me to convince me that the rear of the dwelling and those of the surrounding properties have any special merit. Given this context, I consider that the introduction of bay windows would not be at odds with its surroundings having regard to the view from within rear gardens.
8. Having regard to the general character of the area with its range of dwelling styles evident in neighbouring streets, the proposed development would contribute to the overall character of the area, and along with the other proposed changes to the property, outlined within the appellants statement, would not be detrimental to it.
9. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area or host dwelling. Therefore, the proposal would accord with policies DMD 8 and DMD 37 of the Improving Enfield Development Management Document 2014 (DMD) and Core Policy 30 of the Enfield Plan Core Strategy 2010-2025 (CS) which sets general standards and seeks to achieve a high quality which maintains and improves the quality of the built environment. These aims are further evidenced in the London Plan 2021 and in particular policies D1 and D3.

Living Conditions

10. The bay windows replace existing openings on the rear elevation of the existing dwelling. These existing openings, serving bedrooms, already afford views of the rear gardens of 20 Marlborough Road and other neighbouring dwellings.
11. Therefore, in terms of privacy, whilst the bay windows would overlook the rear garden of 20 Marlborough Road, this property already experiences direct overlooking from the existing first floor bedroom windows of the appeal property and in this context, I do not consider that the additional views afforded by the side panes of the bay window would result in significant harm, noting their narrow proportions.
12. For these reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of neighbouring occupiers and therefore complies with policy DMD 8 of the DMD which requires development to preserve amenity in terms of privacy and overlooking.

Conditions

13. The Council has suggested that no conditions are required. However, as well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR