



Appeal Decision

Site visit made on 4 April 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2022

Appeal Ref: APP/Q5300/W/21/3285197

5 Westbury Road, London N11 2DB

- 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 Ms Claire Watts Mair against the decision of London Borough of Enfield.
 - The application Ref 21/01819/FUL, dated 24 May 2021, was refused by notice dated 20 July 2021.
 - The development proposed is a terrace on rear flat roof with balustrade to serve 1st floor flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of neighbouring occupiers, with particular regard to overlooking, noise & disturbance and outlook, and (ii) the character and appearance of the host building and surrounding area.

Reasons

Living conditions

3. The proposed terrace would be positioned atop an existing single-storey element with a flat roof. At the time of my visit, I was able to walk out onto this flat roof and there were clear views of the garden serving the flat below, as well as the gardens of the two immediately adjoining properties. From the vantage point on the flat roof, the views were more extensive than those that were available from within the first floor flat.
4. The introduction of a terrace area would introduce an increased and unacceptable amount of overlooking to the ground floor flat garden area and of the garden areas of neighbouring properties (3 and 7 Westbury Road). The perception of being overlooked from an elevated position would exacerbate this effect.
5. I note that the scheme includes the provision of balustrade wall screens to “eye height” and wood louvres to mitigate the effect of overlooking. However, the appellants statement of case sets out that balustrades would be to approximately 1500mm in height and this would not be sufficient to satisfactorily prevent views of the garden areas. Furthermore, to the attached property of 7 Westbury Road, there is a rear window serving a bedroom in close proximity to the proposed terrace. Views to and into this window would

be possible at close quarters above the level of the proposed balustrade thereby resulting in unacceptable overlooking into an interior space. The presence of planters and vegetation would not satisfactorily prevent this overlooking.

6. I acknowledge that the scheme would introduce activity to an elevated position above neighbouring gardens and that the built development would be visible from neighbouring properties. However, I find that any effect in these respects would not be sufficient to erode the living conditions of neighbouring occupiers, in respect of noise & disturbance, or outlook.
7. Nonetheless, the effect of the proposal on the living conditions of neighbouring occupiers, as a result of increased overlooking would be unacceptable. Accordingly, the proposal conflicts with policy DMD8 of the Enfield Development Management Document (2014) (the DM Document), insofar as it seeks to ensure that development preserves amenity. The scheme would also conflict with the living condition protection aims of the National Planning Policy Framework.

Character and appearance

8. The terrace would not extend for the full length of the existing flat roof, being set back from its rear edge. Additionally, the terrace would be set in from each of the side edges of the roof. Given these features, together with that the balustrade walls would be viewed against the backdrop of the existing building from public vantage points, the development would not appear intrusive. Furthermore, the development would not be an incongruous addition to the host property, but one which sits acceptably within its context.
9. Thus, the proposal would have an acceptable effect on the character and appearance of the host building and the surrounding area. Accordingly, the proposal accords with policy DMD13 of the DM Document, policy CP30 of the Enfield Plan – Core Strategy (2010) (the Core Strategy), as well as policy D4 of the London Plan. Together, and amongst other things, these seek to ensure that roof extensions are in keeping with the property and do not dominate when viewed, that development is of a high-quality and that design quality is maintained.

Other Matters

10. I acknowledge that the scheme would result in some benefit, this includes the screening of views from the garden of the ground floor flat to the appeal site, including from a summerhouse. Additionally, benefits would accrue for the occupiers of the flat, as a result of the provision of an outdoor space. There would also be some gain in terms of planting and biodiversity enhancements. However, even when taken collectively the benefits that would result are not sufficient to outweigh the harm I identify.
11. I am conscious that other examples of first floor terraces have been provided, however there is little detail in respect of these. In any event, I have assessed the specific circumstances of the appeal scheme that is before me and found it to be unacceptable.
12. The Council refers to policies DMD9 and DMD10 of the DM Document, as well as policy CP4 of the Core Strategy. However, these policies set requirements in new development and thus are not relevant to the appeal scheme.

Conclusion

13. I find that the scheme would have an acceptable effect on character and appearance. However, there would be unacceptable harm to the living conditions of neighbouring occupiers and this harm is decisive.
14. For the reasons given above, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR