
Appeal Decisions

Site visit made on 13 May 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal A Ref: APP/Q5300/W/21/3288237

Flat 1A & Flat 1C Elstree Gardens, Edmonton N9 8QY

- 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 Chris Christoforou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/01037/FUL, dated 18 March 2021, was refused by notice dated 4 June 2021.
 - The development proposed is rear extensions to existing flats 1A and 1C and creation of a studio flat within a new pitched roof.
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Appeal B Ref: APP/Q5300/W/21/3288315

1A & 1C Elstree Gardens, Edmonton N9 8QY

- 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 Chris Christoforou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02994/FUL, dated 3 August 2021, was refused by notice dated 6 October 2021.
 - The development proposed was originally described as 'Resubmission of application 21/01037/FUL - Rear extensions to flat 1C and flat 1A with Juliet balcony including creation of habitable roofspace level with a rear dormer and front rooflights, together with alterations to front entrance and cycle parking, refuse and recycling storage.'
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for rear extensions to Flat 1C and Flat 1A with Juliet balcony including creation of habitable roof space level with a rear dormer and front rooflights, together with alterations to front entrance and cycle parking, refuse and recycling storage, at 1A & 1C Elstree Gardens, Edmonton N9 8QY in accordance with the terms of the application, Ref 21/02994/FUL, dated 3 August 2021, subject to the conditions set out in the attached schedule.

Procedural Matters

3. The two appeals relate to the same site. I have considered each proposal on its individual merits, but as they raise similar issues I have dealt with the cases in a single decision letter.
4. In my formal decision above, I have omitted reference in the description of development under Appeal B to the previous planning application, as this does not describe an act of development.

Background and Main Issues

5. The appeal site is a two storey, flat roofed infill building located between a 1930s terrace of dwellings and a modern corner development that stands at an angle. As a result, the appeal site has a triangular shape, narrowing towards the rear.
6. Both proposals include the formation of a pitched roof to the building, along with rear extensions at ground and first floor and a rear dormer within the proposed roof slope at second floor level. Appeal B represents the appellant's attempt to overcome the reasons for Appeal A being refused by the Council, including changes to the size of the rear dormer and the shape of the rear extensions.
7. A main issue in both appeals is the effect of the proposal on the character and appearance of the area. A further main issue in Appeal A is the effect of the proposal on the living conditions of neighbouring occupants, with reference to daylight and overshadowing.

Reasons

Character and appearance

8. The site is constrained by its narrow, tapering shape and the resulting different angles of the buildings to either side. At the front, it differs from the adjacent terrace most notably in the absence of a pitched roof, but also due to its higher eaves line, different fenestration and lack of architectural detail. As a result, it conflicts with the prevailing character of the area.
9. The creation of a pitched roof would make the building considerably more compatible with the surrounding built form. The Council is critical of the proposed ridge height of the roof being higher than that of 1 Elstree Gardens and the rest of the terrace. This appears to be due to the deeper plan form proposed under both schemes. Whilst this would not align with the terrace to the north, there is a further step up to the ridge of 1B & 1D Elstree Gardens to the south, given which the difference in ridge height would not appear jarring or disruptive of a consistent rhythm, but as a modest step in height. From my observations, this difference in height would not be prominent in views from either end of Elstree Gardens.
10. In a similar vein, I am not persuaded that the modest additional depth of the main rear wall/eaves line beyond that of the adjoining terrace would be harmful, given the obvious additional depth of 1B & 1D beyond, within which context the projection of the appeal building would appear as a modest and logical step in the building line.
11. The rear of the terrace is characterised by single storey, flat roofed extensions to the majority of dwellings. The appeal site is unique in having a two storey extension to the rear, albeit it is shallower in depth. Dormer windows are less prevalent, with examples only at 1B & 1D next door, No 7 four doors away and No 19 some distance further along the street in the next terrace group.
12. The extensions proposed to the rear under Appeal A would have a significant cumulative scale. The rear dormer would be substantial, extending beyond the main rear roof slope over the proposed first floor extension in an L-shape. This would be wholly at odds with other dormer windows in the area, none of which

are of similar scale or extend beyond the main rear roof slope. This rearward projection would create a top heavy massing to the building which would appear overbearing and dominant, particularly due to it having two rear facing windows larger than those to the floor below.

13. The ground floor extension under Appeal A would extend roughly to the depth of the nearest corner of the adjacent development at 1B & 1D; however, it would project deeper than the extension to the rear of No 1 on the opposite side and would appear prominent in views from dwellings to the north as a result. The extension would also occupy a substantial proportion of the existing rear garden, with the area left undeveloped being the narrowest part of the tapering site at the rear. The proposed subdivision of this space into three for each of the proposed units would leave each with minuscule external space, , that would appear cramped and disproportionately small compared to neighbouring gardens. I also note these spaces would fall well short of the required external space standards set out under Policy DMD9.
14. At first floor level, the extension under Appeal A would be a square, half width structure on the 1B & 1D side. It would not extend beyond the existing first floor depth of 1B & 1D. By itself, I agree with the Council that it would not be excessive in scale and its recessed position from No 1 would provide some articulation to the rear elevation. However, it would be viewed in combination with the ground and dormer extensions. Their cumulative massing would be significant, creating a building of disproportionate scale that would fail to reflect the modest size and form of extensions to the rear of the terrace. Moreover, the combination of greater massing and a smaller, more constrained site means the proposal, as a whole, would appear excessive for its plot.
15. Under Appeal B, the proposed dormer would be smaller, would sit within the main roof slope, set in from all four sides and with smaller windows more proportionate with those to the lower floor. This form would be more consistent with the dormer to 1B & 1D, and would considerably reduce the overall high level massing of the building.
16. The rear facing wall of the first floor extension would be angled to follow the line of 1B & 1D. I understand this has been proposed to address concerns over the effect of the first floor extension under Appeal A on the living conditions of occupants of No 1. The angled elevation would be unique within the street, but it would form a continuation of the neighbouring building line and would be limited in its overall massing. It would read as a response to the specific site constraints of this infill plot, rather than a disruptive addition to an otherwise consistent pattern of development. The proposed green roof to the extension would be modest in size and not visually prominent.
17. The ground floor extension under Appeal B would extend a similar distance to the proposal under Appeal A, except the rear bi-fold doors would not project out from the main structure. A similar area of garden would remain, but it would not be subdivided in three, given Appeal B does not include the creation of an additional dwelling. Therefore, it would not appear as convoluted as the layout under Appeal A.
18. Overall, the proposal under Appeal B would have reduced massing across the rear elevation, in comparison to Appeal A, in particular to the rear dormer. This proposal would create a more proportionate scale of development and more balanced appearance to the dwelling. The size and depth of the extensions

would reflect the massing to 1B & 1D next door, whilst the addition of a pitched roof would better integrate the appeal site with the wider terrace.

19. For these reasons, I conclude that the proposal under Appeal A would be excessive in scale and of a form that would fail to reflect the surrounding pattern of development. It would therefore harm the character and appearance of the area, in conflict with Policy D4 of the London Plan (2021) (the LP); Policies DMD 6, DMD 8, DMD 11, DMD 13 and DMD 37 of the Development Management Document (2014) (the DMD) and Policy CP30 of the Core Strategy (2010) (the CS). Together, these policies seek high quality development that takes account of the nature of the surrounding area and land use, and responds to its context through its layout, orientation, scale, appearance and shape.
20. However, I conclude that the proposal under Appeal B would respect the scale and form of surrounding development and so would preserve the character and appearance of the area. Therefore, no conflict would arise with the aforementioned policies of the LP, CS or DMD in respect of this proposal.

Effect on Neighbours' Living Conditions

21. The Council's concern under Appeal A relates specifically to the proposed first floor extension. At present, the two storey addition to the rear projects some 1.4 metres beyond the rear wall of 1 Elstree Gardens. The proposed extension would project 3 metres in depth, but there would also be the shallow projection of the realigned rear wall of the building on the boundary. The Council indicates the extension would breach the 30 degree rule of Policy DMD11, that first floor extensions must not exceed a line taken 30 degrees from the mid-point of the nearest original first floor window to any of the adjacent properties.
22. The projection of the main rear wall would just accord with the 30 degree rule, but the deeper element of the extension, although set back from the common boundary, would breach the rule. However, whilst the plans before me indicate that the existing extension breaches the rule to the same degree, the proposal would introduce additional deeper massing at close range to the neighbouring window that would extend upwards into the proposed dormer roof extension. This cumulative massing, located to the south of the neighbouring window, would have a harmful overbearing effect that would increase the sense of enclosure for neighbouring occupants, and would reduce sunlight and daylight received by the nearest first floor windows.
23. For these reasons, the proposal under Appeal A would harm the living conditions of neighbouring occupants, contrary to Policy D4 of the LP, Policies DMD6, DMD 8, DMD 11 and DMD 37 of the DMD and Policy CP30 of the CS, in terms of their requirements that new development is designed so as to preserve residential amenity, including in terms of daylight, sunlight, outlook, privacy and overlooking.
24. The Council did not refuse Appeal B in respect of neighbours' living conditions. The angled proposed extensions would have modest projections and would not breach the 30 degree rule in respect of the first floor window of 1 Elstree Gardens. Based on all I have seen and read, I have no firm reasons to disagree with the Council's conclusions on this issue.

Other Matters

25. The proposal under Appeal A would deliver an additional residential unit for the Borough's housing stock, in line with the key aim of the Framework to boost the supply of housing. However, a single unit would make a very modest contribution to the Council's overall housing target and therefore would attract only limited weight in favour of the proposal.
26. The Council considered the transport, highways and parking implications of the proposed additional residential unit under Appeal A, but these matters did not form a reason for refusal. I note the Council's indication that the development is required to be car-free. There is little evidence before me as to the mechanism by which this would be secured, though the appellant confirms it was not his intention to offer a planning obligation as part of the appeal. Nevertheless, as my findings in respect of the main issues point to the dismissal of Appeal A, it is not necessary to consider this matter in further detail, as it would not alter my overall decision.
27. The Council did not refuse permission for either scheme in respect of other matters, including flood risk, drainage and the internal standard of accommodation, subject to potential conditions. I have no evidence to conclude otherwise in these respects, though these would be neutral factors in the planning balance.
28. There would be benefits arising from the economic activity generated for the local building trade in implementing each proposal and, in the case of Appeal A, from engagement by future occupants in the local economy. However, given the scale of the developments, such benefits would attract limited weight.
29. The Council indicates that insufficient detail was provided by the appellant's flood risk assessment (FRA) in respect of how the proposals would address the potential for surface water flooding. The FRA states that the footprint of the proposed rear extension would be 10% larger than the existing impermeable cover of the rear garden. The FRA sets out a number of possible mitigation measures, including rainwater harvesting, soakaways and a bioretention rear garden, but stops short of confirming which measures are proposed and how effective they would be in reducing surface water run-off. Given the small scale of the site, I am satisfied that the extent of measures required is likely to be relatively modest and capable of being addressed by a condition requiring the submission and implementation of a scheme of surface water mitigation.

Conditions

Appeal B

30. I have had regard to the conditions suggested by the Council. Where necessary, I have amended the wording or combined conditions to ensure they accord with the relevant tests of conditions set out in the Framework.
31. I have imposed a condition specifying the approved plans to provide certainty. A condition requiring materials to reflect those detailed within the application is necessary to ensure a satisfactory appearance. As the submitted plans omit street elevations of the front boundary wall, bin storage and cycle storage, details of these elements are required to be submitted for approval, to ensure a satisfactory appearance and suitable provision for waste disposal and sustainable transport.

32. As set out above, further conditions are necessary requiring a scheme of surface water management to safeguard from flood risk, and details of the reinstatement of the redundant footway crossover in the interests of highway safety. These conditions are pre-commencement as approved works are likely to require installation during the construction process, that may prove impractical were a later trigger to be set. The appellant has indicated their agreement to the proposed pre-commencement conditions.

Conclusion

Appeal A

33. For the reasons set out, I conclude that the proposal under Appeal A would cause significant harm to the character and appearance of the area, and to the living conditions of neighbouring occupants, resulting in conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations advanced in this case would not outweigh this conflict so as to justify granting planning permission. Therefore, I conclude that Appeal A should be dismissed.

Appeal B

34. For the reasons given, I conclude that the proposal under Appeal B would preserve the character and appearance of the area and, overall, would accord with the development plan, taken as a whole. There are no material planning considerations which indicate that permission should nevertheless be withheld.
35. Therefore, Appeal B should be allowed.

K Savage

INSPECTOR

Schedule of Conditions (Appeal B only)

- 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 following approved plans: Site Location Plan; 241A3E1.0/01 (Block Plan); 241A3E1.1/00 (Existing Plans); 241AE2.1/01 (Proposed Plans); 241AE2.2/01 (Proposed Plans); 241A3E3.1/00 (Front Elevation (East)); 241A3E3.2/01 (Rear Elevation (West)); 241A3E3.3/01 (Flank Elevation); 241A3E4.1/01 (Section A-A & B-B).
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the approved plans and in Section 14 of the application form.
- 4) Prior to the commencement of development, details of a scheme for the removal of the redundant point of access and reinstatement of the footway, including a timetable for works, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed details and thereafter permanently retained.
- 5) No development shall commence until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Notwithstanding Condition No 2, no works to install a front boundary treatment, cycle storage or bin storage shall take place until details of their location and design have first been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be brought into use until the approved front boundary treatment, cycle storage and bin storage have been implemented in accordance with the approved details. The approved works shall thereafter be maintained for the life of the development.

End of Schedule