



Appeal Decision

Site visit made on 14 June 2022

by A Hickey MA MTRPI

an Inspector appointed by the Secretary of State

Decision date: 21st July 2022

Appeal Ref: APP/Q5300/W/21/3289853

42, Kendal Avenue, Edmonton N18 1NG

- 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 Bilal Kagantekin against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/03637/FUL, dated 24 September 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described on the application form as the 'sub-division of site and conversion single family dwelling house into 1 x 2-bed and 1 x 3-bed dwelling houses involving with partly single-partly two storey rear, two storey side extensions, front porch and vehicular access with hard standing.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, a side extension was under construction. The development on-site was smaller in size and did not reflect the design of this appeal. Accordingly, in the interests of fairness, I have considered the appeal on the basis that the development is proposed as shown on the application drawings.

Main Issues

3. The main issues in this appeal are the effects of the development proposed on:
 - the character and appearance of the area; and
 - the living conditions of occupiers of 42 and 44 Kendal Avenue with particular regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is an end-of-terrace dwelling and is located within a residential area. Buildings here are typically modest terraced properties set back from the road with front gardens. In many cases, these gardens have been removed and replaced with parking spaces. This does not, however, alter the consistent building line together with coherent design features and materials which provide a pleasant character and uniformity to the area. I saw how blocks of terraced properties are broken up by gaps between them, which provide some visual relief to an otherwise relatively dense urban area.

5. The subdivision of the site and the effect of the proposed single-storey extension to the rear, in regard to character and appearance, has not drawn objection from the Council and is not referenced within the reason for refusal. Given the lack of visibility of that element of the scheme from many public vantage points, and the prevailing variety in the form and arrangements of rear elevations in the area, I have no reason to disagree.
6. The front elevation treatment for the development does not replicate other properties in the area as no matching bay window is proposed. This would result in an uncharacteristic addition to the streetscene appearing at odds with the surrounding built form. Although the proposed development would include matching materials to No 42 and a consistent building line with the front of the terrace, it would, due to the contrasting appearance harm the uniformity of the area.
7. I acknowledge that there is at present a gap between the properties at first-floor level, and that the development proposed would be built up to the boundary at ground-floor level with an offset at first-floor level. There is no agreement, the main between parties on the precise distance of the offset at the first-floor level. However, from the plans before me and what I saw on-site, this offset would still result in a significant loss of spacing between two terraces. This would, from most angles, give the appearance of one row which would dominate this section of the streetscape and appear out of place.
8. There is an example of a 2-storey side extension on the opposite end of the terrace which does not include a bay window. However, this side extension sits adjacent to an area of open space, rather than significantly enclosing a gap to a neighbouring terrace. The introduction of a new dwelling, in this location, is not in keeping with the prevailing design of the area and would unbalance the uniformity of the terrace. In this regard, the nearby development is materially different to the proposal as it assimilates with the wider streetscene and character of the area.
9. For the above reasons, I conclude that the proposed development would result in harm to the character and appearance of the area. Accordingly, the proposal would conflict with the relevant provisions of policies GG2, D3, D4 and H2 of the London Plan (2021), DMD 6, DMD 8, DMD 14, DMD 37 and DMD 38 of the Development Management Document (2014), as well as CP4 and CP30 of the Core Strategy (2010). Those policies seek, amongst other things, high-quality design and to protect and enhance the character of the locality. The proposal would also conflict with the provisions of paragraph 130 of the National Planning Policy Framework (the Framework), which seeks to ensure that development is sympathetic to local character.

Living conditions

10. I have set out above how properties here tend to be arranged along a common building line. The same is, broadly albeit to a lesser extent, true of rear elevations. Although some have been extended or altered over time, I saw that generally this is relatively limited. Consequently, and on account of the relatively good sized rear gardens, there are comparatively good levels of outlook and natural light. I note that I was unable to see rear extensions or recently-constructed new dwellings in the immediate vicinity that would have as close an inter-relationship with neighbouring properties as would result here.

11. The first-floor rear extension would project out beyond the existing rear elevation of No 42, which I observed to have a habitable room window at first-floor level. An industry standard rule of thumb for establishing whether development may adversely affect nearby occupiers is the 30-degree angle rule. This 'rule' identifies where new development would transgress an imaginary line drawn from a window, and may therefore have some adverse effect (on outlook or light, for example). In some instances, I accept that transgressing the 30-degree rule may not lead to harm. However, in this instance, given the close proximity of the proposed development to this window, the rear extension would appear imposing and overbearing to occupiers of this property and would harm outlook from this window.
12. The single-storey rear extension given its 4m projection and approximately 3m height adjacent to the common boundary of No 44, would be imposing and consequently, lead to overshadowing and a loss of daylight to the rear window serving the property. As a result, the development would have a significant overbearing effect which would be harmful to the living conditions of the occupiers of No 44.
13. For the above reasons, the proposal would result in harm to the living conditions of the neighbouring occupiers of No 42 and No 44 with regard to outlook and daylight. Thus, the proposal would conflict with Policy D4 of the London Plan (2021), Policies DMD 6, DMD 8, DMD 11, DMD 14 and DMD 37 of the Development Management Document (2014) and Policy CP30 of the Core Strategy (2010) and the Framework. Together these seek, amongst other things and in summary, for new development to protect the amenity of existing residents.

Other matters

14. I accept the proposal would result in certain benefits. It would enable the delivery of an additional property in an established residential area, and there would be social and economic benefits associated with employment during construction and as future occupants would buoy up the local economy. Nonetheless the benefits of a new dwelling in this context would be confined to an incremental numerical addition, and other benefits similarly limited given the scale of the scheme. Consequently, the adverse effects would clearly outweigh the benefits.

Conclusion

15. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Hickey

INSPECTOR