

Appeal Decision

Site visit made on 27 July 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH August 2022

Appeal Ref: APP/Q5300/D/22/3301147
3 Church Hill, Enfield, Southgate, N21 1LS

- 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 Messrs Gradica and Archer against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/00765/HOU, dated 2 March 2022, was refused by notice dated 28 April 2022.
 - The development proposed is the erection of a first-floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made retrospectively and at the time of my visit I saw that the first-floor side extension was substantially complete although other works to the property appeared to be unfinished and ongoing.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal property is a substantial, semi-detached house with accommodation over three floors and is one of a row of four similar properties at Nos 1-7 Church Hill (odd). These form a distinctive group in a prominent location at the entrance to Church Hill, located between an adjacent roundabout junction and a block of flats known as Chesterfield Lodge beyond No 7.
5. There is some past planning history to the appeal property including an appeal decision dated 26 November 2021 (Ref: APP/Q5300/W/21/3274439). That appeal considered a proposal for conversion of the property into three self-contained flats including a single-storey rear extension, a part first-floor side extension, and a part second-floor side extension. The Inspector at that time noted that some of the proposed works had already been carried out, including the first-floor side extension. The appeal was dismissed for a number of

reasons. With regard to the side extension the Inspector concluded that it created a terracing effect with No 5 by substantially reducing the gap between both properties and by disrupting the symmetry of the group given that none of the other houses in the group had been extended to the side above ground floor level.

6. I have been provided with a set of the application plans that was considered as part of the last appeal. There are some differences between the side extension depicted on the 2021 appeal plans and those relevant to the current appeal. The previous appeal's plans show the side extension square to the flank wall of the original building. The current appeal's plans show the side extension wider to the front and following more closely, but not exactly, the angled alignment of the boundary between Nos 3 and 5. I have no information to confirm if the side extension has been modified since the previous Inspector visited the site in November 2021. Nevertheless, I observed that the side extension was set away from the side boundary with No 5 by only small margins to the front and rear, appearing to be consistent with the drawings submitted as part of this current appeal.
7. Policy DMD 14 of the Council's Development Management Document (DMD), adopted in 2014, deals with side extensions. It requires, amongst other things, extensions to the side of a property to normally maintain a minimum distance of 1m from the boundary with an adjoining property. Contrary to a suggestion by the appellants that the extension would retain a 1m gap with the boundary, it is evident from the plans and from my own observations on site that the side extension does not maintain the 1m separation from the boundary with No 5 that is required by Policy DMD 14.
8. Moreover, regardless of the position of the original ground floor garage, the subservient ridge height of the extension, and the use of matching materials, the extension has clearly and substantially reduced the gap at first-floor level between Nos 3 and 5. In the absence of any first-floor side extension to No 5, I accept that space between these two properties is not entirely lost, but that which does remain is almost solely dependent upon space between the boundary and the side of No 5. Due to the close proximity of the extension to the boundary, consistent with the previous Inspector, I find that the side addition has created a terracing effect between both properties, and one which disrupts the symmetry of the group of four by unacceptably closing the gap and altering the setting of these prominent dwellings. In this regard the side extension is harmful to the character and appearance of the area.
9. In addition to the conflict I have identified with DMD Policy DMD 14, by failing to achieve a high-quality design and appropriate regard to its surroundings, the proposal would also conflict with DMD Policies DMD 6, DMD 8 and DMD 37, Core Policy 30 of the Council's Core Strategy 2010, and Policy D4 of The London Plan 2021. For the same reasons there would be conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places. The appellants have argued that the proposal would comply with other policies of The London Plan and parts of the Framework in terms of making best use of the land. I recognise that there can often be tensions between policies that pull in different directions, but when seen in the

round, for the reasons explained, I have identified clear conflict with the development plan and the Framework.

10. My attention has been drawn to examples nearby and in the wider locality where properties have been extended in ways that unbalance a pair, including directly opposite the appeal site. However, I share the previous Inspector's view that this set of four form a distinctive group, the character and appearance of which is harmed by the side extension. Paragraph 2 of the Framework states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The developments nearby and within the wider area that have been put to me do not lend sufficient weight in favour of the development to outweigh the harm that I have identified and the conflicts with local and national policy. Neither does the personal circumstances of the property's owner, which I have noted.

Conclusion

11. For the reasons given, and having regard to all other matters raised, I conclude that the development is harmful to the character and appearance of the area. The appeal is therefore dismissed.

John D Allan

INSPECTOR