



Appeal Decision

Site visit made on 11 October 2022

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/Q5300/C/22/3294885

78 Mandeville Road, Enfield, EN3 6SJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Dervis Arslan against an enforcement notice issued by the Council of the London Borough of Enfield.
 - The notice, numbered ENF/19/0783, was issued on 2 February 2022.
 - The breach of planning control as alleged in the notice is "without planning permission the erection of extensions to both sides of the rear part of the roof of the premises to provide an enlarged loft space (shown edged blue on the attached plan and in the attached photographs for identification purposes only)".
 - The requirements of the notice are to remove the extensions that have been constructed to both sides of the rear part of the roof (as shown edged blue on the plan and attached photographs for identification purposes only); reinstate the rear part of the roof to as it was before the works were carried out; remove all resulting materials from the premises.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 3 months and the substitution with 9 months for the period for compliance.
2. Subject to the variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Town and Country Planning Act 1990 as amended.

The appeal on ground (a)

Main Issue

3. The main issue is the effect of the extension on the character and appearance of the host property and the street scene.

Reasons

4. The property is a detached dwelling which has a front elevation in the style of a dormer bungalow with a hipped roof. The rear portion of the roof has been altered by extending it at the sides and building up the rear and side elevations. This results in the side extensions filling the width of the property.

5. The building up of the elevations results in an excessive expanse of brickwork. In addition, the roof extensions are clad at the front in tiles which, together with their expanse of brickwork, give them a very unrelieved and solid appearance. They also project above the lines of the hipped roof at the front which makes them particularly obtrusive. Their overall appearance is bulky and visually imbalanced with the more refined front elevation. I appreciate that the houses in the street are of varying design and character, nevertheless, the extension is incongruous with the property which makes the house an unattractive building within the street-scene.
6. I therefore conclude that the roof extension harms the character and appearance of the host property and the street scene. It therefore conflicts with Policy CP30 of The Enfield Plan Core Strategy 2010 – 2025 (2010) and Policy D3 of the London Plan (2021) which require development to achieve high quality design appropriate to its context and surroundings. The development also conflicts with Policies DMD8, DMD13 and DMD37 of the Development Management Document (2014), which, in combination and amongst other matters, seek to ensure that development is of an appropriate scale, bulk and massing, that roof extensions are of an appropriate size and in keeping with the character of the property and area.
7. The appellant has asked me to consider plans which were submitted to the Council for an alternative scheme under Council reference, 22/00932/HOU. However, S.177(1) of the Act says that on the determination of an appeal under section 174, the Secretary of State may grant planning permission in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters. This means that I can only consider alternative plans under the ground (a) appeal if they are a part of the breach of planning control stated in the notice. In this instance, the revised scheme is very different to the development targeted by the notice and does not form a part of it. Accordingly, it is not open to me to grant planning permission for it. In any event, the alternative scheme has since been granted planning permission by the Council.
8. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should fail on ground (a) and the deemed planning application should be dismissed.

The Appeal on Ground (g)

9. The ground (g) appeal is that the three months given to comply with the notice is too short.
10. Having regard to the after-effects of the COVID-19 pandemic and a shortage of labour, I acknowledge that it may take longer than usual to procure the services of a contractor and extending the period for compliance to nine months would strike a reasonable and proportionate balance between any difficulties the appellant may encounter and the public interest of remedying the breach of planning control in this case. The Council has suggested that the compliance is in line with the implementation condition on the extant planning permission but that is not relevant to my assessment of the time that is needed to comply with the requirements of the notice.
11. I shall therefore vary the enforcement notice accordingly prior to upholding it. The appeal on ground (g) succeeds to that extent.

Conclusion

12.I shall uphold the enforcement notice, with a variation, and refuse planning permission on the deemed application.

Ms Watson

INSPECTOR