
Appeal Decision

Site visit undertaken on 7 November 2022

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision Date: 9 December 2022

Appeal Ref: APP/Q5300/D/22/3301745

203 Churchbury Lane, Enfield EN1 3HQ

- 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 & Mrs K Phillips against the decision of Enfield Council.
 - The application, ref. 21/04665/HOU, dated 14 December 2021, was refused by notice dated 19 May 2022.
 - The development proposed is described as a loft Conversion with new rear flat roof dormer, new low level rear pitched roof, enlarged flat roof Gym room and replacement uPVC windows throughout.
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Decision

1. The appeal is dismissed insofar as it relates to the rear flat roof dormer.
2. The appeal is allowed insofar as it relates to the new low level rear pitched roof, enlarged flat roof Gym room and replacement uPVC windows throughout, and planning permission is granted for a new low level rear pitched roof, enlarged flat roof Gym room and replacement uPVC windows throughout at 203 Churchbury Lane, Enfield EN1 3HQ in accordance with the terms of the application, Ref 21/04665/HOU, dated 14 December 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The proposed new low level rear pitched roof, enlarged flat roof Gym room and replacement uPVC windows throughout, hereby permitted shall begin not later than three [3] years from the date of this decision.
 - 2) The proposed new low level rear pitched roof, enlarged flat roof Gym room and replacement uPVC windows throughout, shall be constructed in accordance with approved plans:
 - 'Proposed Loft Conversion: Proposed House Elevations and Section,' Job No.Qda.113, Drg No. 05;
 - 'Proposed Loft Conversion: Proposed House Floor Plans,' Job No.Qda.113, Drg No. 04;
 - 3) The materials to be used in the external surfaces of the rear extension shall match those used in the existing building.

Preliminary Matter

3. The Council in their Planning Officer Report state that the alterations to the existing single storey building would be appropriate and in accordance with the Development Plan Policies. I have no reason to dispute this opinion, and given that these elements are both functionally and physically severable from the roof dormer, a split decision is considered a suitable outcome. Given the only matter in dispute refer to the dormer window, this will be the focus of this letter.

Main issue

4. Taking the above into account, the main issue is the effect of the roof alterations upon the character and appearance of the existing building and the surrounding locality.

Reasons

5. The appeal site is located along Churchbury Lane, which forms a number of streets in the locality that contains formally laid out speculative housing which appears to date from the early to mid-twentieth century. The local area contains predominantly terraced and semi-detached dwellings which have a symmetry in their placement with a consistent building line and setback with front gardens and low boundary walls. There are also visual gaps between properties where glimpses to the tops of trees in rear gardens are experienced and is a positive characteristic of the area alongside trees to front gardens.
6. On my site visit I noticed very similar design and size characteristics with brown concrete roof tiles, coaxial chimney stacks and hipped roof forms. Whilst there is evidence of dormer roof extensions to dwellings, these are within the confines of the existing roof form and are relatively subservient in appearance. The appeal site is one of the characteristic semi-detached dwellings and comprises of a main two storey component with hipped roof with two storey side extension with a lower ridge, along with a single storey rear extension.
7. In undertaking extensions and alterations to existing buildings, the Enfield Development Management Policies Development Plan Document (DPD) Policy DMD13 is specific to roof extensions and seeks that dormer windows are appropriate in size and location, inset from the eaves, ridge and edges of the roof which is normally expected to be 500-750mm; and appropriate to the character of the area, amongst others. The London Plan Policy D3 seeks that all developments take a design-led approach in ensuring that development is of a suitable scale, massing, appearance and fits in with the context of the site, amongst others.
8. The proposed dormer window would be lower than the ridge of the existing ridge of the original component of the dwelling, but would be taller than the inset ridge of the two storey side extension and would project past the ridge of the hipped roof. The proposed dormer would not be confined to the existing roof slope which could not be seen as subservient and would be clearly contrary to DMP Policy DMD13 and London Plan D3. I also note that the appellant in their SoC refers to the 500-750mm setback as guidance

rather than policy, however this measurement is clearly within the confines of Policy DMD13, rather than for example if it was written as an accompanying Supplementary Planning Document which would be guidance.

9. I also note reference in the appellant's SoC with regards to a number of dormer roof extensions in the locality. Whilst this may be the case, none of these extensions extend past the ridge of the roof or the ridge of the hip like the proposal, so are not considered to be similar or would justify the appropriateness of the proposal.
10. In conclusion of this matter, the proposed dormer window would be excessive in size and not confined to the confines of the roof in accordance with the provisions under DMD Policy DMD13, as well as not having a designed approach in accordance with Policy D3 of the London Plan. As such the proposal is detrimental to the character and appearance of the existing building and the greater locality.

Conclusions and Conditions

11. For the reasons given above, I conclude that the appeal should succeed in relation to the low level rear pitched roof, enlarged flat roof Gym room and replacement uPVC windows throughout. However, in relation to the rear dormer window, the appeal should be dismissed.
12. In respect of the low level rear pitched roof, enlarged flat roof Gym room it is necessary to have the standard conditions of the standard time limit for the avoidance of doubt; and the extension to be constructed in accordance with the approved plans is also necessary as this provides certainty to the scheme which has been approved. A matching materials condition is required in order to be appropriate to the existing building and the character and appearance of the locality.

J Somers

INSPECTOR