



Appeal Decision

Site visit made on 30 November 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 DECEMBER 2022

Appeal Ref: APP/Q5300/W/22/3298540

7 Lambs Terrace, Great Cambridge Road, Edmonton N9 9UR

- 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. Akpalaba against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/00079/FUL, dated 10 January 2021, was refused by notice dated 13 December 2021.
 - The development proposed is described as 'a detached single-story outbuilding in the rear garden to be used a dwellinghouse.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of neighbouring occupants and future residents of the development; and c) the existing tree on site.

Reasons

Character and Appearance

3. The appeal site comprises a two-storey dwelling with a small front and larger rear garden. The immediate vicinity is characterised by similar types of properties that are either semi-detached, like the appeal property, or form part of small terraces. These houses are broadly similar in appearance with some variation in their external design. Some have been altered by way of an extension to the side and/or rear.
4. Immediately adjacent to the appeal site, No.8 Lambs Terrace has a single storey rear extension and a much larger outbuilding to the rear. The outbuilding, which borders the appeal site, is said by the Council to offer ancillary accommodation to the host dwelling. To the other side and to the rear of the appeal site, Nos. 6 Lambs Terrace and 111 Deansway respectively have wraparound side/rear flat roof extensions which also border the appeal site. I observed on my site visit that other properties in the vicinity have similar extensions.
5. The appeal proposal would not be dissimilar in its scale or appearance to these prevailing extensions and outbuildings. Indeed, by utilising a brick finish with flat roof and having windows facing towards the existing dwelling, the proposed building would be very similar to the outbuilding at No.8.

6. Whilst the built form would correspond to developments on other neighbouring sites, the proposal is for a separate unit of accommodation. It would very clearly be read as a separate unit, with separate curtilage and entrance. Within the context of the appeal site, a separate dwelling would appear and function very differently from an incidental or ancillary outbuilding.
7. Furthermore, given the size of the proposed building and its curtilage, the development would very obviously appear squeezed into a constrained plot when compared to other dwellings in the area. As a result, it would leave both the existing and proposed properties each with a small curtilage, and ones that would be noticeably smaller than is characteristic for the area.
8. I appreciate that the works are at the rear of the host property and not readily visible within the street scene. However, the unsatisfactory arrangement would be seen from neighbouring properties. Whilst such views would be private, this would not diminish the harm that would occur and would be a legitimate matter of public interest.
9. I therefore find that notwithstanding its physical similarities to neighbouring buildings, the construction of this new dwelling on this site, in this location would not reflect the overall pattern of development in the area and would be harmful to its character and appearance.
10. The proposal is therefore contrary to Policies D3 and G7 of the London Plan (LP), Policy CP30 of the Enfield Plan Core Strategy 2010 (CS) and Policies DMD6, DMD7, DMD8 and DMD37 of the Enfield Development Management Document 2014 (DMD) which, amongst other things, seek to ensure such developments maintain and improve the quality of the built environment and character of the area.
11. The proposal would also be contrary to Paragraph 130 of the National Planning Policy Framework, which amongst other things, seeks to ensure developments are sympathetic to local character.

Living Conditions

12. The rear gardens of Nos. 6 and 8 are separated from the appeal site by a combination of fencing and these neighbours' extension and outbuilding respectively. The fencing along the boundary with No.6 allows for views across this neighbour's rear garden and rear part of the extended dwelling. However, views towards No.8 are more restricted although the upper parts of the ground floor windows on the neighbour's rear elevation are visible from the appeal site.
13. It seems to me that in order to protect the privacy of all parties, the new dwelling's curtilage would need to be enclosed by a fence of at least 1.8m in height. Given the single storey nature of the proposed building, direct overlooking of neighbouring gardens and ground floor windows, including No.7 would then largely be avoided.
14. However, this would negatively affect both the proposed and host dwellings. Given the small curtilages attached to each property, their respective front and rear outlooks would be significantly constrained by such fencing, thereby harming the living conditions of occupants.
15. Furthermore, given the proximity of the proposed building to the existing dwellings, particularly nos. 7 and 8, there would remain a high degree of

intervisibility between the buildings especially from the existing upper floor windows. These windows would offer views directly into the garden and windows of the proposed dwelling.

16. Whilst there already exists a degree of mutual overlooking of back gardens, the position of the proposed dwelling relative to its neighbours would be unlike any existing relationship in the vicinity. As a result, it would be significantly more harmful to existing residents but particularly harmful to future occupants of the new unit.
17. As noted above, both dwellings would have a small curtilage. The garden space serving the proposed dwelling would be noticeably constrained by the need to maintain access to the site and to the cycle storage area. The canopy to the front of the dwelling would further reduce the amount of usable space available to future occupants. Given the depth of the garden area any boundary fencing to protect privacy would also have an adverse effect in terms of casting a shadow at certain times of the day across much of the space. All of these factors would contribute to making the area unattractive as a place to spend time.
18. Overall, even if the boundaries were adjusted in some way, it seems that there is insufficient space available to enable both dwellings to have an accessible garden area that is of sufficient size and is usable.
19. Taking all of the above into consideration, I find that the proposed development would adversely affect the living conditions of existing neighbours and future occupants of the proposed dwelling. It would therefore be contrary to Policies DMD7, DMD8, DMD9 and DMD10 of the DMD which, amongst other things, seek to ensure new residential developments are of a size, position and layout that does not harm the living conditions of existing residents or future occupants of the development.

Tree

20. The existing tree on site offers some wider amenity value to the area, being visible from gardens and rear windows of neighbouring properties as well as from Deansway. Although it is visible from these areas, its loss would have a marginal effect on the area, which gains most of its verdant value from the street trees that dominate both Deansway and to the front of Lambs Terrace.
21. At a distance the tree appears to be reasonably healthy, but its roots are constrained by the works which have been undertaken on the adjacent site, which is also causing the tree to grow at an angle. The submitted arboricultural report indicates that the condition of the tree is such that any value would be lost within 10 years and should, in the current context, be removed for reasons of sound arboricultural management. I have no substantive evidence before me to come to a different conclusion.
22. The loss of the tree would be regrettable, and were I minded to allow the appeal I would need to consider the appropriateness and ability of the site to accommodate a suitable replacement. However, these are not matters which I need to consider as I am dismissing the appeal for other reasons.
23. Therefore, on this basis, I am satisfied that the removal of the tree would be justified in this instance. The proposal would not therefore be contrary to Policy G7 of the LP or Policies DMD80 and DMD81 of the DMD which, amongst other

things, seek to ensure trees are retained on development sites wherever possible.

Other Matters

24. I note that the proposal would not result in any physical alterations to the existing dwelling, which it is said would continue to receive adequate daylight. In addition, the proposed dwelling would meet the nationally described space standard for a one-bedroom unit and would add to the mix of dwellings in the area. However, these factors represent compliance with the development plan and so signify a lack of harm in these respects. This is something that any development would be expected to achieve and so does not weigh positively in favour of the scheme.

Conclusion

25. The proposal would harm the character and appearance of the area and the living conditions of neighbours and future occupants. Whilst I have not found the removal of the existing tree on site to be unacceptable, this does not outweigh the harm I have identified nor alter the proposal's conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.
26. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR