



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/22/3297587

First Floor Flat, 42 Kingsley Road, Southgate N13 5PL

- 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 Elton Qafaliaj against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/00177/FUL, dated 21 January 2022, was refused by notice dated 25 March 2022.
 - The development proposed is a rear dormer with front rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for a rear dormer with front rooflights at First Floor Flat, 42 Kingsley Road, Southgate N13 5PL in accordance with the terms of the application, Ref 22/00177/FUL, dated 21 January 2022, subject to the conditions set out in the schedule below.

Preliminary Matter

2. In the banner heading above, I have used the description in the Council's decision notice and the appellant's appeal form as it more fully and succinctly describes that for which permission is sought.

Main Issue

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

Reasons

4. The appeal relates to the roof of an existing two storey building. The building is currently divided into two flats. The locality is predominantly residential, and the immediate vicinity is characterised by buildings of similar size and shape to the appeal property.
5. The Council indicate that the rear dormers on either side of the appeal site do not have planning permission nor confirmation that they are permitted development. On this basis it is suggested that they should not carry any weight in an assessment of the proposal.
6. However, from the evidence before me and my own observations there is no suggestion that these properties do not have permitted development rights. Furthermore, the absence of a lawful development certificate does not mean that the dormers are not permitted development.

7. Importantly, even if the dormers were not permitted development, there is no indication from the Council that it could take or is considering taking enforcement action against either of them. On that basis, I conclude that it is reasonable for me to take these dormers into account when assessing the context of the appeal site.
8. From a public vantage point, the roof would generally only be visible from New River Crescent, close to its junction with Park Avenue. This allows limited, distant views towards the appeal site and some of its neighbours. This established view includes the dormers either side of the appeal site. Only a few roofs are visible and the ones that can be seen most clearly are separated by fairly high fire break boundary walls that project significantly above the rear roof slopes. There is no sense of there being a sweeping roofscape or vista given both the curvature of how the houses are positioned relative to this viewpoint and also that the large two storey rear outriggers on houses south of the appeal site block extended views in that direction.
9. The dormer would also be visible to some neighbours, most notably from rear elevations of properties in New River Crescent that face towards the appeal site. However, the orientation of Kingsley Road and New River Crescent are such that the houses are at an angle to and splay away from one another, so direct views of the dormer would be lessened.
10. The overall effect of the proposal is further mitigated by there being a dormer on either side of similar size and appearance to the appeal proposal. There are also dormers on some houses opposite the appeal site. Thus, whilst the proposed dormer would be visible, it would not be of such visibility to be overly prominent nor so unusual to be visually jarring or disruptive.
11. Whilst the fenestration pattern would unfortunately not respect the traditional window hierarchy, this is common on such dormers, including those on either side of the appeal site. Therefore, given my findings above, this would not be a sufficient reason to reject this scheme.
12. The Council raises no objection to the proposed front rooflights. Based on the evidence before me and my own observations on site I have no reason to come to a different conclusion.
13. I am therefore satisfied that the proposal would not cause harm to the character and appearance of the area. As such, it would not be contrary to Policy D4 of the London Plan, Policies DMD 6, DMD 8, DMD 13 and DMD 37 of the Enfield Development Management Document 2014 or Policies CP4 and CP30 of the Enfield Core Strategy 2010. These policies together seek to ensure that, amongst other things, the design of such developments have regard to the property and do not harm the surrounding area.
14. Similarly, I do not find the proposal to be contrary to Paragraph 130 of the National Planning Policy Framework, which amongst other things, seeks to ensure developments are sympathetic to local character.

Conditions

15. Aside from the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. The submission indicates the external face of the dormer to be tile hung. In the interests of certainty and

the character and appearance of the area I have therefore also included a condition specifying this and that they should match the existing roof tiles.

Conclusion

16. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan	-	Unnumbered
Block Plan	-	Unnumbered
Proposed Plan and Elevations	-	D2.01
Existing and Proposed Side Elevations	-	D3.01
Existing and Proposed Floor Plans	-	D4.01
Existing and Proposed Cross Sections	-	D5.01
Existing and Proposed Roof Plans	-	D6.01
- 3) The external face(s) of the dormer hereby permitted shall be constructed in hanging tiles to match the existing plain tile roof finish.

END