



Appeal Decision

Site visit made on 26 September 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2023

Appeal Ref: APP/Q5300/W/22/3292968

110 Burleigh Road, ENFIELD EN1 1NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Sattar Peter Shah against the London Borough of Enfield.
 - The application Ref 21/04585/HOU, is dated 8 December 2021.
 - The development proposed is double storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension at 110 Burleigh Road, ENFIELD EN1 1NU in accordance with the terms of the application, Ref 21/04585/HOU, dated 8 December 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; 1:500 Block Plan; Existing and Proposed Elevations 'drawing 1'; Existing and Proposed Roof Plan; Existing and Proposed Side Elevation; Proposed Extension Side Cross-Section; Proposed First-Floor Plan; Proposed Ground-Floor Plan; and Proposed Rear Extension
 - 3) The materials used as part of the approved extension shall match the host dwelling in type, colour and size.

Preliminary Matters

2. The description of development is different between the application form and the Council's decision notice. The appeal form refers only to the proposed two-storey side extension. Furthermore, under section E of the appeal form, the Appellant states that the description of development has not changed. As the evidence does not indicate that the description was changed with the applicant's agreement or has been subject to public consultation, I shall use the original description of development.
3. An outbuilding has been erected within the rear garden. The Council states that this exceeds the criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015), Schedule 2, Part 1, Class E due to its size and that an enforcement investigation is ongoing with respect to its use.

4. The Council states that insufficient details have been provided to enable it to accurately assess the impact of the outbuilding and its use. The status and merits of the outbuilding are patently severable from my assessment of the current proposal which seeks to extend the side of an existing dwelling.

Background and Main Issue

5. The application was not determined by the Council within the statutorily prescribed 8-week timeframe. As such, following the submission of an appeal it falls to me to determine whether planning permission should be given.
6. Within the main body of the officer report, the Council stated that the proposal would not create a continuous frontage, would have an acceptable relationship with 114 Burleigh Road (No 114) and would be acceptable with respect to character and appearance. Nevertheless, the Council concluded that the proposal would not respect the character and appearance of the area due to the terracing effect. The Council's Reason for Refusal is silent with respect to the effect of the proposal on the character and appearance of the area and states that the scheme would only have been refused due to insufficient details. Nevertheless, the plans submitted in connection with the proposed two-storey extension are unambiguous and can be fully considered.
7. In consideration of the Council's Statement of Case, and the evidence before me, the main issue in dispute is the effect of the proposed side extension on the character and appearance of the locality.

Reasons

8. Burleigh Road is a residential street of largely traditional dwellings. These consist of semi-detached and terraced dwellings of diverse styles. The appeal dwelling is a white render semi-detached dwelling with a decorative two-storey bay window. A driveway, to its side, leads to a rear courtyard. The appeal site complements the general characteristics of local housing and therefore makes a positive contribution to the surrounding area.
9. The Council's Development Plan includes the Enfield Development Management Document (2014) (DMD). Policy DMD14 of the DMD sets out the Council's approach to side extensions. This states that side extensions should not create a continuous frontage, should maintain building lines and respect the character of the area. The application site is adjacent to a bend in the highway. As such, No 114 does not share the same front building line as the host property. Therefore, whilst the proposal would occupy the full width of the site's frontage it would not contribute towards a continuous frontage.
10. Furthermore, the proposed extension would be of a similar height and roof profile as the dwelling and include a design of window that would complement existing window form within the dwelling. A planning condition could also be imposed to ensure the proposal would replicate the materials of the host dwelling. Consequently, the proposal would integrate well with the dwelling and accord with the character and appearance of the surrounding area.
11. Accordingly, the proposal would comply with DMD policies DMD14 and DMD37 of the DMD, Core Policy 30 of the Core Strategy (2010)(CP), policies D3 and D4 of the London Plan (2021) and the National Planning Policy Framework (the Framework). These policies seek, among other matters, for development to not result in a continuous frontage and to replicate locally distinctive character.

12. The Council also states that the proposal would be in conflict with London Plan policies D6, SI 13, T5 and T6; CP policies 4, 20, 21, 22, 25 and 28; and DMD policies 8, 9, 10, 45, 47, 51, 57, 49, 59, 60, 61 and 62. However, insufficient evidence is before me to demonstrate that these policies are specifically relevant and therefore weigh neither for nor against the proposed extension.

Other Matters

13. The proposed extension would maintain an existing vehicular access into a rear courtyard. Interested parties have raised concerns that the scheme would have insufficient parking. Nevertheless, Burleigh Road is characterised by close-knit housing with limited on-plot parking. As such, a zero provision would align with local parking provision and would support the Framework's sustainable travel objectives. Furthermore, the rear courtyard could accommodate a number of vehicles that would prevent any potential intensification of use, generated by the additional bedroom, leading to an increase in parking demand on-street.
14. The proposed extension would follow the front and rear building lines of the existing dwelling. No 114 has rear and side facing windows. Nevertheless, these are on its two-storey return and dormer windows and it has no side windows on its flank elevation. Furthermore, the proposed scheme would be a similar height as the host dwelling and be a reasonable separation distance from housing opposite. As such, occupiers of neighbouring properties would not suffer a material loss of daylight or sunlight, nor would they be significantly overlooked.
15. The application site is relatively generous and could accommodate the scale of the proposed extension without removing a substantial part of the garden area. As such, the proposal would not result in an excessive or dominating form of development.
16. Representations have suggested that the property could be, or is being used, as a House in Multiple paying Occupation (HMO). To use a dwelling as a small HMO does not always require planning permission and I have limited evidence to indicate that the house has undergone a material change of use. As such, this matter would be subject to separate investigation and cannot be taken into account with this proposal that seeks to extend a dwelling.
17. Concerns have also been raised by interested parties with respect to increased noise. However, there is no clear reason why the proposal would result in an increase in noise that would cause material noise disturbance to adjacent occupiers.

Conditions

18. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). The Council has not indicated any conditions that it would seek to be applied. However, it is necessary to apply conditions in connection with a commencement period and an approved plans list to accord with advice within the PPG. Furthermore, it is necessary for a condition to ensure that the materials used within the extension would match the main dwelling in the interests of the character and appearance of the area.

Conclusion

19. For the above reasons, the appeal is allowed and planning permission is granted subject to the attached conditions.

Ben Plenty

INSPECTOR