



Appeal Decision

Site visit made on 6 December 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

Appeal Ref: APP/Q5300/D/22/3305491

130 Gordon Hill, Enfield EN2 0QT

- 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 Philip Deeley (PHDesign) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/00728/HOU, dated 28 February 2022, was refused by notice dated 26 July 2022.
 - The development proposed is the demolition of existing extensions, construction of new single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name in the above heading has been taken from the planning application form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 128 Gordon Hill in respect of their outlook and the level of daylight and sunlight to that property.

Reasons

4. The appeal property includes a mid-terraced house situated in an established residential area where many of the houses in the terrace have been modified through the addition of extensions of differing sizes to their rear. The appeal property and both adjoining neighbouring houses have two-storey outriggers to their rear, and all three properties have been extended at ground floor beyond the end wall of their respective outriggers.
5. The arrangement of the outriggers, which all cover slightly more than half the width of the plots, results in gaps between the sides of those projections at first floor. In some instances, including at No 128, a gap at ground floor level to the side boundary with No 130 remains intact. This results in there being a narrow area of the rear garden immediately adjacent to the rear of the dwelling at No 128 which has ground floor patio doors and windows facing onto that space.
6. The appeal property has a small conservatory extension that largely fills the gap between the side of its outrigger and the boundary with No 128. That conservatory projects from the original rear wall of the house a slightly shorter distance than the outrigger. The boundary with No 128 is marked by a tall solid

concrete post and timber panel fence which continues from the rear wall of the house down the long rear garden.

7. The proposal would replace the existing ground floor extensions and would create a single storey extension that wraps around and projects a significant distance beyond the outrigger at the appeal property. This would be a flat roofed structure occupying the full width of the plot having parapets to the common boundaries with neighbouring gardens which reach a height of 3.2m above ground level. This would be substantially taller than the current boundary fences and, in the case of its relationship with No 128, would result in a very long solid taller boundary structure that projects for a significant distance beyond the main rear wall of that house.
8. Due to its height, form and position right up to the boundary the proposed development would create an overbearing solid feature very close to the ground floor windows in the rear and side elevations of that house. This would significantly diminish the outlook from those windows. The appellant suggests the proposal will not change the amount of light entering No 128. However, the increased height and the creation of a long solid structure along the common boundary would reduce both daylight and sunlight entering the windows in the original ground floor elevations of No 128 and the narrow garden area at the rear of that house. This would be particularly noticeable in late afternoon and early evening due to the orientation of the properties.
9. I recognise that daylight and sunlight available to the rear of No 128 may currently be limited to a modest degree by the existing extensions and boundary fencing at the appeal property. The outlook from the ground floor of that house may be limited for similar reasons. However, those existing circumstances do not justify a proposal that would make the living conditions at No 128 substantially worse.
10. The proposed development would result in harm to the living conditions of the occupiers of 128 Gordon Hill in respect of their outlook and the level of daylight and sunlight to that property. Accordingly, the proposal conflicts with Policies DMD 11 and DMD 37 of the Improving Enfield Development Management Document (November 2014) which require development to have appropriate regard to its surroundings and seek to resist rear extensions to dwellings unless there is no impact on the amenities of neighbours.

Other Matters

11. The Council's reason for refusal refers to Policy D4 of The London Plan (March 2012) and to Core Policy 30 of the Enfield Plan Core Strategy 2010 – 2025 (November 2010). Those policies refer to design and do not refer to the effects of development on living conditions either in general or specifically in the context of extensions to dwellings. The design of the proposal is not a matter in dispute therefore these are not development plan policies relevant to the determination of this appeal.
12. While permitted development rights exercised through the prior approval process may allow for large rear extensions to dwellings, I have nothing before me to suggest that there is a realistic prospect of a viable alternative more harmful permitted development proposal coming forward.

13. Representations have been made expressing concerns about the accuracy of the plans in respect of the relative positions of the existing rear wall of the extension at 132 Gordon Hill and the extent the proposal would project beyond that neighbouring rear wall. The Council do not object to the proposal on this basis and, in any case, I am dismissing the appeal due to the harm it would cause to living conditions at No 128.

Conclusion

14. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR