



Appeal Decision

Site visit made on 25 January 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/Q5300/D/22/3311447
62 Park Lane, London N9 9BQ

- 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 Joseph Tran against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02880/HOU, dated 15 August 2022, was refused by notice dated 27 October 2022.
 - The proposed development is a single storey rear extension and front gate.
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Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension.
2. The appeal is allowed and planning permission is granted for front gate at 62 Park Lane London N9 9BQ, in accordance with the terms of application ref: 22/02880/HOU dated 20 May 2022 and 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, which for the avoidance of doubt only relates to the front gate, shall be carried out in accordance with the following approved plans: P22826-D101/P1 (location and block plan), P22826-D105/PL2 (proposed front elevation) and P22826-D107/PL2 (proposed site plan).

Main Issue

3. The main issue is the impact on the living conditions in relation to loss of light and outlook of the occupiers of the adjoining property, No. 60 Park Lane.

Reasons

4. The appeal site comprises a semi-detached property. It is one of two pairs of relatively distinct dwellings with deep half hipped roofs and gable projection to the front and rear. There is an existing conservatory to the rear of the property located towards the boundary with the attached dwelling, No. 64.
5. No. 60 lies to the east of the appeal site and the dwelling is set at an angle towards and slightly forward of the dwelling on the appeal site on a corner plot towards the junction of Park Lane with Sweet Briar Grove. It has a small triangular shaped rear garden the common boundary with the appeal site of which is marked by a 2 metre high timber fence.

6. Policy DMD11 of the Development Management Document (2014) (DMD) sets out some specific criteria in relation to rear residential extensions, including that they should not exceed 3m in depth in the case of semi-detached properties, measured from the original rear wall, and should not exceed a line taken at 45 degrees from the mid-point of the nearest original ground floor window to any adjacent properties. I was able to see from the appeal site that the adjoining property appeared to have a kitchen window in the rear elevation close to the common boundary and a second window further away.
7. Although the proposed extension would be set away from the boundary with No. 60, it would nevertheless extend noticeably above the height of the boundary fence. The depth of the extension, at around 6 metres, would mean that it would run along a considerable length of the side boundary to the rear of the adjoining dwelling. Given this relationship between the dwellings and the very small size of this neighbouring property's garden, it is my view that it would have an overbearing impact. The trees located towards the rear the garden area would do little to mitigate this.
8. With regard to loss of light, there would be an encroachment of the 45 degree line from the nearest window of this adjoining property. The appellant suggests that as this window serves a kitchen it should not be treated as a habitable room. The policy itself does not make reference to habitable rooms only but in any event, kitchens tend to be used regularly and as such, it is my view that the potential impact on the amount of light received is relevant in the context of the above policy.
9. Therefore, for the reasons given above, I find that the proposal would be harmful to the living conditions of the occupiers of the adjoining property, No. 60 Park Lane. It would thereby conflict with Policy D6 of the London Plan, Policies CP4 and CP30 of The Enfield Plan Core Strategy (2010) and DMD Policy DMD11 which seek high quality, design-led development which has special regard to its context and to prevent adverse impacts on the amenities of neighbouring properties.
10. With regard to the National Planning Policy Framework, I find that the proposal would fail to contribute to achieving well designed places and would not be sympathetic to the surrounding built environment nor provide for a high standard of amenity. The Appellant makes reference to a number of other prior approvals for similar extensions in the locality. However, none of these relate to the appeal site and are therefore of limited relevance.

Conclusions

11. I find that the proposed single storey extension would result in an unacceptable impact on the living conditions of the occupiers of the adjoining property. The proposed gate, however, was not objected to by the Council and I agree that it would be in keeping with the character and appearance of the locality. As it is a physically separate element, I intend to issue a split decision. A condition to relate to the relevant approved plans is necessary in the interests of proper planning and visual amenity.
12. I therefore conclude that this appeal should be dismissed in part and allowed in part.

P Jarvis

INSPECTOR