



Appeal Decision

Site visit made on 16 May 2023

by OS Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/Q5300/D/22/3299997
97 Dartford Avenue, Edmonton N9 8HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr H Jahwid against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/00293/PRH, dated 25 January 2022, was refused by notice dated 7 March 2022.
 - The development proposed is a single storey rear extension 6m deep x 3m high (2.70m high to eaves).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension 6m deep x 3m high (2.70m high to eaves) at 97 Dartford Avenue in accordance with the application Ref 22/00293/PRH, dated 25 January 2022, and the details submitted with it including drawing Nos JND/1177/10, 11, 12, 13, 14, 15 and 16.

Preliminary Matters

2. Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 Order) relates to extensions to a dwellinghouse, as is proposed. The house is an end of terrace property. It is not located in a conservation area nor any other Article 2(3) land. Paragraph A.1 of the 2015 Order sets out a number of restrictions on an extension, in particular that it can be up to 6m beyond the rear wall of the original dwellinghouse and up to 4m in height. The proposal complies with all the restrictions and is therefore 'permitted development' as set out in Part 1 Class A of the 2015 Order.
3. Paragraph A.4(7) of the 2015 Order confirms that, where the occupier of an adjoining premise objects to the proposal, 'prior approval' is required as to the impact of the proposal on the amenity of the occupiers of the adjoining premises. The occupier of the adjoining property, 99 Dartford Avenue, has objected to the proposal regarding loss of light. 'Prior approval' is therefore required with regard to the effect of the proposal on the living conditions of neighbouring occupiers. Paragraph A.4(9) makes it clear that this must

consider the living conditions of all adjoining occupiers, not just those which objected. In the case of the appeal, these are 95a and 99 Dartford Avenue.

4. The appellant has indicated that they would be willing to reduce the length of the proposed extension. However, no drawings have been submitted in this regard. I do not, therefore, consider this further and my Decision is made on this basis.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of the neighbouring properties, specifically Nos 95a and 99 Dartford Avenue.

Reasons

6. The adjoining property to the appeal property (No 99) is to the north. Extensions to the rear of the appeal property would, therefore, affect the amount of sunlight received into the rear elevation of No 99. There is an existing rear extension. This is 5.25m deep, 6m wide along most of its length with a small narrowing of c.0.2m to the rearmost section, and also up to 3m tall albeit slightly sloping downwards towards the rear garden. The proposed extension would replace the existing extension. The proposed extension would be 6m deep running along the boundary with No 99, just over 6m wide, and 3m tall albeit 2.7m to the eaves.
7. The proposed extension breaches the 45 degree line from the neighbouring windows which is a restriction to rear extensions set out in Policy DMD11 of the Development Management Document, adopted November 2014. However, so does the existing extension and, in any event, this does not necessarily mean that a proposal would have an unacceptable effect on the living conditions of neighbouring occupiers, which I assess below.
8. The proposed extension would be slightly bulkier than the existing rear extension, with only a slightly longer flank wall to No 99 and very marginally taller to the rearmost element, which is where it would be furthest away from the neighbouring windows. The proposed extension would consequently have a limited effect on the amount of sunlight received by No 99. Therefore, there would be a limited increase in sense of enclosure, or loss of daylight or outlook, to the occupiers of the property.
9. No 95a is to the south and east of the appeal property, angled slightly towards the property and its garden. It is detached from the appeal property but because it angles towards it, the distance is short. The appeal property therefore has a greater influence than it would along a straight terrace of properties on outlook from the rear of No 95a. It has, however, very limited effect in terms of sunlight because the appeal property is set to the north of 95a. As with No 99, the proposed extension would only be slightly bulkier and larger as viewed from No 95a. Therefore, despite the angle meaning the properties partially face toward one another, there would only be a limited effect on outlook, sunlight, daylight and sense of enclosure, as experienced by the occupiers of 95a.
10. Overall, the proposal would not materially harm the living conditions of the occupiers of the neighbouring properties, either with regard to loss of sunlight and daylight, increase in sense of enclosure or harm to outlook.

Conclusion

11. For the reasons above, the appeal should be allowed and prior approval should be granted.

Conditions

12. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to conditions set out in Paragraphs A.3 and A.4(11) which specify that the materials be of similar appearance to the existing house and that the development must be carried out in accordance with the details as approved.

OS Woodward
INSPECTOR