



Appeal Decision

Site visit made on 3 May 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2023

Appeal Ref: APP/Q5300/D/22/3311682

26 Queen Annes Grove, Enfield EN1 2JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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. Zahoor Hussain against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02742/PRH was refused by notice dated 27 September 2022.
 - The development proposed is Single storey rear extension 6m deep x 3m high (3m high to eaves).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development is described on the application form as single storey rear extension 6m deep x 3m high (3m high to eaves). The existing and proposed plans confirm the proposed development would include two single storey rear projections, which are not attached to each other. I sought clarification from the appellant in relation to whether the proposal sought prior approval for both extensions, the appellant has confirmed that both elements are included, and the description is for the maximum depths and heights of the proposed elements. The Council have considered the application on this basis, and I have dealt with it in the same way.
3. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) grants planning permission for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1(larger home extension), paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply, or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
5. Paragraph A.4(7) to Part 1 of the GPDO also requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

6. Whilst not referred to in the refusal reason, the decision notice advises that the proposed extensions exceed the GPDO limits. Representations were also received in connection with the proposal from the adjacent property occupiers raising objections to the proposals on the grounds that the proposed extension would result in a loss of outlook from, and overshadowing to, their property. The letter also makes representations in respect of the character and appearance of the area and the impact upon drains. However, these are not matters that fall within the scope of consideration in respect of an application for prior approval.

Main Issues

7. The main issues are whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) and the effect of the proposed development on the living conditions of adjoining premises with regard to light and outlook.

Reasons

Whether permitted development

8. No 26 Queen Annes Grove (No 26) is a substantial semi-detached property. There is an existing two storey rear outrigger, and the rear of the original building is stepped. The Permitted Development Rights for Householders: Technical Guidance (the Technical Guidance), September 2019, advises that where the original rear wall of a house is stepped, then each of these walls will form the rear wall, and also side wall. Both extensions extend from the rear walls and are separated by a gap.
9. The Council has not referred to any relevant sections of the GPDO, nor the Technical Guidance. Their evidence infers that proposals submitted under the prior approval larger home extension scheme, can include a single 6 metre extension, or several 3 metre extensions, but not two which would amount to a combined depth of 9.49 metres.
10. This proposal shows two separate elements on different parts of the house. Their lengths would not be combined to make a 9.49m extension. Had that approach been intended, then the diagram on page 19 of the Technical Guidance showing three separate extensions of 3 metres would also not be permitted development.
11. The internal arrangement clearly shows a layout which would keep the living accommodation/playroom separate from the dining and kitchen accommodation. The gap between the extensions would be sufficient to ensure that the extensions would not be construed as a single entity. The proposed development does not extend beyond, nor are the extensions attached to a side wall. Neither do they entirely fill the area between a side elevation and a rear wall.
12. As such I have assessed each of the enlarged parts of the dwelling house against the conditions for extensions beyond a rear wall. The proposed extensions would be constructed from the original rear elevations. At no point would the extensions breach 6 metres from the rear of the property.

13. Therefore, the proposal would satisfy the relevant requirements in the associated paragraphs contained in A.1. On the basis of the evidence before me, the proposed development would satisfy the criteria to be permitted development, under the terms of Schedule 2, Part 1, Class A.1 of the GPDO.

Living Conditions

14. The appeal property is attached to No 24 Queen Annes Grove (No 24). Whilst not shown on the submitted Block and Location plan, No 24 has been extended to the rear. The dwelling has glazed doors on the rear of the property, where the building is recessed, which is sited close to the joint boundary with the appeal site. This opens out onto the garden area. The shared boundary treatment is lower than the rear windows and in parts consists of open lattice panels, which does not provide full screening, and allows sunlight and daylight to the rear of the property and garden area.
15. Policies CP30 of the Enfield Core Strategy (the Core strategy) 2010, and Policies DMD8, DMD11 and DMD37 of the Enfield Development Management Document (DMD) 2014 require a high quality and design led approach having special regard to its context and neighbouring residents living conditions. Policy DMD11 of the DMD specifically states that single storey extensions must not exceed 3 metres in depth beyond the original wall of semi-detached properties, 3 metres in height, nor exceed a 45-degree line from the mid-point of neighbouring windows. The justification advises this distance is required for amenity and is to avoid overshadowing and loss of privacy.
16. The plans before me show that the proposal would extend more than 3 metres beyond the rear of No 24, immediately along the shared boundary. However, even with the extension at No 24, this would exceed the 45-degree angle contained in Policy DMD11. Although the proposals have a flat roof, the larger extension would project significantly above the lower open shared boundary fence. The higher, longer, more permanent and solid structure would be very visible within the property and garden. The proposal would create a tunnel effect on that property due to built development flanking both sides of the window and garden in the recessed area, which is likely to be well used given that it provides access. I find that the above factors would result in a harmful sense of enclosure, detrimental to the outlook from the doors and garden area of No 24.
17. Although the appellant has provided a daylight/sunlight analysis, at my site visit at 2pm on a sunny day, I could see that existing boundary treatment cast a shadow. Similarly given the height and orientation of the extension relative to No 24, the proposed development would do the same. Although the proposal may not result in a discernible effect to the fenestration of the adjoining property, in my view the shadow to the garden area would ultimately make it a less attractive area to spend time, and although a limited effect it would add to the harm identified above.
18. The adjacent property at No 28 Queen Annes Grove is detached from the appeal dwelling and there is a passageway width between them both, with close boarded fencing along the joint boundary. No 28 also has a rear outrigger with windows serving living accommodation. The main outlook from the rear windows of No 28 is directly to the rear of the property. The extension would be visible in peripheral views, but only above the higher fence. Although it would also be visible from the rear garden the space afforded by the gap

between the dwellings, the overall position of the proposed extension relevant to the neighbouring windows, height of fence and orientation reduces the effect upon this property. Furthermore, although it would exceed the distance in Policy DMD11, the Council has identified it would not breach the 45-degree angle to the adjacent window.

19. I note the Council did not find harm in respect of the adjoining neighbouring property or garden at No 1 Summerhill Grove (No 1). I concur with this assessment as the garden length and site boundaries would prevent overlooking, and overbearing effects on this and other neighbouring gardens and properties.
20. The proposed development would not cause harm to the living conditions of No 28, and No 1, but this does not outweigh the harm to No 24. I conclude that the proposal would have a harmful effect on the living conditions of No 24 in terms of outlook.

Other Matters

21. Although it is understood that the Council did not consider the daylight and sunlight assessment, for the reasons set out above, I have found harm irrespective of this.

Conclusion

22. For the reasons given, the appeal is dismissed.

K Williams

INSPECTOR