



Appeal Decision

Site visit made on 3 October 2023

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2023

Appeal Ref: APP/Q5300/D/23/3327126

39 Empire Avenue, Edmonton, Enfield, London, N18 1AY

- 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 Mike Phillips against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/00972/HOU, dated 27 March 2023, was refused by notice dated 24 May 2023.
 - The development proposed is first floor rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 39 Empire Avenue, Edmonton, Enfield, London, N18 1AY in accordance with the terms of the application, Ref 23/00972/HOU, dated 27 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GA 100 P; GA 101.1 P; GA 201.1 P; GA 202 P Revision 1
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of 37 and 41 Empire Avenue, with particular reference to privacy.

Reasons

Character and appearance

3. The appeal property is a two-storey, mid-terrace dwelling located in a residential area comprising of similar properties. It has a deep single storey extension to the rear and a dormer across its rear roof slope.

4. The proposal is for a first floor rear extension which would have a maximum depth of about 1.5m. The extension would have the appearance of a large bay window, with canted sides.
5. Policy DMD11 of the Enfield Development Management Document (2014) (DMD) states (among other things) that rear extensions should not exceed a line taken of 30 degrees from the mid-point of the nearest original first floor window to any of the adjacent properties. Supporting paragraph 4.5.2 advises that there should be no chamfering of edges to avoid the policy.
6. I noted from my site visit that many of the houses in this part of Empire Avenue have two storey bay windows on their rear elevation, often with the bays at first floor level being fully glazed. Some of these bay windows also have chamfered sides. Whilst most of the first floor bay windows only extend across part of the rear elevation, there are also other examples of full width first floor rear extensions close to the appeal site.
7. Given that two storey bay windows on the rear elevation of houses are a distinctive characteristic of the area, I find the general design approach to the proposed extension to be appropriate. Whilst extensions with chamfered edges would not normally be appropriate when assessed against Policy DMD11 of the DMD, in this particular case the extension reflects the general design of other first floor rear bays on houses along Empire Avenue and other nearby roads. Moreover, given the shallow depth of the proposed extension, in my view it would not appear unduly large or dominant, particular in relation to the other extensions that have been carried out to the dwelling.
8. The windows on the rear elevation of the proposed extension would also respect the spacing of existing fenestration on the ground floor extension and within the roof dormer.
9. I therefore find that the proposal would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. Thus, it would comply with Policies D3 and D8 of the London Plan (2021) (LP), Policy CP30 of the Enfield Plan Core Strategy (2010) (CS), Policies DMD6, DMD8, DMD11 and DMD37 of the Enfield Development Management Document (2014)(DMD) and the National Planning Policy Framework 2023 (the Framework). Collectively these policies require development to be high quality and design led and to respect existing character.

Living conditions

10. The appeal property is within a tight knit residential area where mutual overlooking of rear gardens is commonplace. In the case of Empire Avenue, two storey bay windows with large levels of glazing, including on side panels, is also a common occurrence.
11. The proposed extension would contain four panels of glazing, including on the chamfered sides. In terms of the effect of the proposal on 41 Empire Avenue, views from the side panel window closest to the boundary would be over the roof of the single storey extension to No 41. Any overlooking of the rear garden of the dwelling would be similar to that already obtainable from the first-floor windows and the dormer extension on the rear of the appeal dwelling.
12. Whilst the other side panel window would allow views into the rear garden of 37 Empire Avenue, there are already windows on the rear elevation of No 39

which enable similar views. In particular, the large dormer extension with full length double doors and Juliet style balcony close to the boundary with No 37, already allows uninterrupted views into the garden of the neighbouring property and in my view would be more imposing than the proposed first floor extension given its limited depth.

13. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of 37 and 41 Empire Avenue with particular reference to privacy. Accordingly, the proposal would comply with Policies D3, D6 and D8 of the LP, Policies CP4 and CP30 of the CS, Policies DMD6, DMD8, DMD10 and DMD37 of the DMD and paragraph 130(f) of the Framework insofar as they relate to the residential environment and the protection of amenity.
14. The Council also refer to policies D4 and D5 of the LP in their decision notice. Policy D4 relates to design management procedures and policy guidance for London planning authorities whilst Policy D5 relates to Inclusive Design. These policies are of little direct relevance to the main issues raised by the appeal proposal.

Other Matters

15. Having regard to the limited depth of the extension and its canted sides, I am satisfied that the proposal would not give rise to any material overshadowing of the adjacent dwellings.

Conditions

16. In addition to the standard implementation condition, the approved plans condition is imposed for certainty. A condition controlling the use of materials is necessary to protect the character and appearance of the dwelling and the local area.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR