



Appeal Decision

Site visit made on 18 September 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2023

Appeal Ref: APP/Q5300/D/23/3319278

72 The Vale, Enfield, Southgate N14 6AU

- 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 Mrs Antoniadis against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/03859/HOU, dated 14 November 2022, was refused by notice dated 24 January 2023.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for Single storey rear extension at 72 The Vale, Enfield, Southgate N14 6AU in accordance with the terms of the application, Ref 22/03859/HOU, dated 14 November 2022, and the plans submitted with it, 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: TV72 010, TV72 011, TV72 012, TV72 013 and TV72 015
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. TV72 013.

Preliminary Matters

2. The Government has updated the National Planning Policy Framework, after the planning application was determined. The update, on 5 September 2023, relates to onshore wind development. The remaining wording has been retained unaltered from the previous version which was adopted in July 2021.

Main Issues

3. The main issues are:
 - The effect of the proposed extension on the character and appearance of 72 The Vale and the surrounding area; and
 - The effect of the proposed extension on the living conditions of the occupiers of 70 and 74 The Vale.

Reasons

Character and appearance

4. The Vale is a residential street comprising of two storey semi-detached properties, that are set back from the highway. The majority of properties on the street have been extended in the past, both to the side and rear. When viewed from the street original design elements, such as projecting square bays and hipped roofs retain a sense of coherence. However, the extensions to the rear of the properties are varied and the sense of continuity in terms of design has been degraded over the years. The host property is semi-detached and has previously been extended to both the side and rear. The extensions on the rear elevation include a two storey hipped roof extension and a single storey flat roof extension. The neighbouring dwellings on either side of the appeal property 70 and 74 The Vale also have extensions on their rear elevations.
5. The proposed extension would be single storey and would have a flat roof. The footprint of the extension would include the area of the existing single storey extension and would wrap around the front of the two storey extension. Based on the evidence before me the proposed extension would extend over 3m from the rear elevation as existing and would be over 3m high. The proposal would read as a modern extension to the host property and would incorporate materials that reflect existing. The proposal includes crittall style windows that echo the traditional detailing on the windows on the front elevation.
6. The Improving Enfield Development Management Document 2014 (DMD) Policy DMD 11 details the criteria which rear extensions must meet in order to be supported by the Council. The proposal fails to meet all of the criteria listed. Based on the submitted information the height of the extension would fail to comply with the 3m maximum height for a flat roofed extension. Also, the main parties agree that the total extended depth, following the erection of the extension, would be 6m from the original wall of the dwelling. This is significantly deeper than the 3m that would be supported under Policy DMD11. While the proposed extension fails to meet the criteria in this respect it is considered that it is relatively modest and would be a subservient addition to the dwelling as existing. The topography of the site and generous rear garden would effectively accommodate the proposal.
7. For the reasons stated above I conclude that the proposal would not have a harmful effect on the character and appearance of 72 The Vale and the surrounding area. Despite technical breaches of Policy DMD 11 the proposal would still comply with the overall design aims of DMD 8, DMD 11 and DMD 37 from the DMD, Policy D4 of the London Plan and the National Planning Policy Framework 2023 (the Framework); which seek to secure high quality design which takes account of the local character and reflects the local surroundings and materials.

Living conditions

8. The extension would be built up to the boundary with neighbouring property 74 The Vale and would be set back from the boundary 70 The Vale. As noted above the combined depth of both the existing and proposed extensions would be approximately 6m. I do not have details of where the ground floor windows would have been on the original rear wall of either neighbouring property. However, based on my reasonable judgment the proposal would breach the 45 degree rule from the original rear wall of each dwelling. Notwithstanding this, based on the evidence before me both 70 and 74 The Vale have extensions on

their rear elevations at ground floor level. As such, the DMD11 criteria relating to securing common alignment with rear extensions would be appropriate in this instance. As the proposal would extend further than the extensions on both neighbouring properties it would also fail to meet this criteria.

9. However, the appeal property has a long rear garden that slopes downwards towards the rear elevation and the rear curtilage is bound by close boarded timber fencing. In order to accommodate the topography of the site, the boundary fence has been erected on walling, close to the property. Based on the submitted evidence, the combined height of both the wall and fence would be approximately 2.6m high. The existing fence already limits the outlook from neighbouring properties. The increase in height of the proposed extension would not have a significant impact on lighting or an enclosing effect on the outlook of occupiers of neighbouring properties over what is existing.
10. For the reasons stated above I conclude that the proposed extension would not have a harmful effect on the living conditions of the occupiers of 70 and 74 The Vale. Despite technically breaching Policy DMD11, the site specific circumstances of this appeal mean that the scheme would still comply with the overall amenity aims of DMD 8 and DMD11 from the DMD which aim to protect residential amenity for neighbouring residents.

Other Matters

11. The Council has referred to CP30 of The Enfield Plan Core Strategy 2010-2025 (CS) as a reason for refusal, this is a strategic Policy relevant to the preparation of design standards and guidance and Policy D8 of the London Plan 2021 which is relevant to the public realm. I do not find either of these policies to be directly relevant to the assessment of the appeal.
12. Although not listed within the reason for refusal the delegated report states that the proposal is contrary to DMD Policy DMD38. This Policy refers to the required coverage of a Design and Access Statement and is not directly relevant to the assessment of the appeal.
13. No windows or doors are proposed on either side elevation, and as detailed about the rear garden is bound by a high close boarded fence. Therefore, the proposal would not result in a material increase in potential overlooking issues over what is existing.

Conditions

14. I have attached conditions relating to the time limitations for the commencement of the development, compliance with the approved plans and proposed external materials in the interests of clarity and certainty and to protect the character and appearance of the area.

Conclusion

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

C Livingstone

INSPECTOR