



Appeal Decision

Site visit made on 19 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/W/23/3318119

15 Brimsdown Avenue, Enfield EN3 5EN

- 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 Edmir Sternaj against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02750/FUL, dated 16 August 2022, was refused by notice dated 10 February 2023.
 - The development is described as 'Proposed first floor extension, loft conversion, outbuilding and front porch.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application but have included a reference to the outbuilding for the sake of clarity, and omitted reference to the appeal being retrospective as this is not an act of development.
3. 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.
4. At the time of my visit, it was evident that building work had taken place. There are differences between that development and the plans before me. For the avoidance of doubt, I have determined the appeal on the basis of the submitted plans.
5. Based on the submitted information the Council has previously granted planning permission for a dwelling of a different design. My assessment is based on the dwelling as submitted, which is an amended version of the previously approved scheme.
6. The Council in their submissions indicate that they have no objection to the front porch or outbuilding. Given that the porch is a subservient addition to the front elevation and the outbuilding is relatively modest I agree with this, and do not need to address these elements of the proposal further.

Main Issues

7. The main issues are:

- The effect of the rear dormer, hip to gable roof extension and first floor rear extension on the character and appearance of the appeal property and the surrounding area.
- The effect of the proposed balcony on the living conditions of nearby residents, with particular reference to privacy.

Reasons

Character and appearance

8. The application relates to a house on a corner plot at the junction of Brimsdown Avenue and Osborne Road. The surrounding area is predominantly residential and characterised by two storey semi-detached and terraced properties. The majority of properties are set back from the road and a large proportion retain the original hipped roof design. The layout of the properties is such that the rear elevation of the appeal property is clearly visible from Osborne Road. This pattern of development adds to the visual qualities of the area, giving the surroundings a spacious feel.
9. The appeal property is two storey with a gable roof, rear dormer and balcony that was erected within the garden to the side of 15 Brimsdown Drive; forming a short terrace row with 13 and 15 Brimsdown Drive. It is acknowledged that the dwelling results in a departure from the symmetry and balance of what was originally two semi-detached dwellings. However, the gable roof results in the terrace of three dwellings appearing unbalanced, as 13 Brimsdown Avenue retains the original hipped roof design.
10. The gable wall incorporates both a side elevation of the dormer and a balcony wall, resulting in a large blank gable that has an imposing impact and does not relate well to the street. The dormer extends from ridge height and across the entire rear roof plane, up to the edges. The cumulative impact of the gable roof, dormer and balcony result in a property that appears top-heavy and overly bulky. The position of the appeal property on a prominent corner, which is highly visible within the area, adds to the dominant impact of the proposal on the street scene.
11. Having regard to all of the above, I conclude that the rear dormer, hip to gable roof extension and first floor extension harm the character and appearance of the appeal property and surrounding area. It therefore conflicts with Policy DMD13 of the Enfield Development Management Document (DMD) which requires that roof dormers are inset from the eaves, ridge and edges of a roof by between 500-750mm and are not dominant when viewed from the surrounding area. The development also conflicts with Policy D4 of the London Plan 2021 (LP), Policy CP30 of the Enfield Core Strategy (CS) and Policies DMD8 and DMD37 of the DMD. These policies are consistent with the National Planning Policy Framework 2023 (the Framework) in seeking to protect the character and appearance of residential areas.

Living conditions

12. The proposed elevations indicate that the balcony would include a low wall on either side elevation with railings on the rear elevation. Access to the balcony would be restricted as no doors would open on to the balcony area and the only way to gain access to it would be via the dormer windows. It is therefore unlikely that this would be used for anything other than a functional purpose, rather than as an outdoor amenity area. With due consideration of its likely use it is considered that the balcony would not give rise to a material increase in potential overlooking issues. Had I otherwise been minded to allow the appeal I could have imposed a suitably worded condition requiring that this area not be used as an amenity area.
13. I do not consider the proposed balcony to have a harmful effect on the living conditions of nearby residents, with particular reference to privacy. The proposal would therefore be in accordance with The Framework, Policy D4 of the LP, Policy CP30 of the CS and Policies DMD8, DMD13 and DMD37 of the DMD where these policies seek to preserve adequate levels of amenity and quality of life.

Other Matters

14. In support of the appeal, my attention was drawn to other properties in the area that have already been extended in a similar manner to that now proposed. I do not have details of the circumstances that led to these developments being accepted. Based on the evidence before me, and my own observation, the examples provided relate to properties on Brimsdown Avenue, Osborne Road and Goldsdown Close that do not occupy a prominent corner plot. I therefore consider that examples provided are not a direct parallel to the appeal proposal in respect of location and prominence within the street scene and therefore these other examples only attract limited weight in favour of the proposal, which would not outweigh the harm I had identified. In any case, I have determined the appeal on its own merits.
15. Even if the Council is unable to demonstrate a five year supply of deliverable housing land, the adverse impacts of granting permission in this case would significantly outweigh the benefits.
16. I understand the wishes of the appellant to provide space to meet the needs of their family. However, such personal circumstances carry very little weight.

Conclusion

17. The proposal would result in harm to the character and appearance of the appeal property and surrounding area. While I have found that no harm would result to the living conditions of neighbouring occupants, this is a neutral consideration in my determination of the appeal.
18. There are no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan, and therefore the appeal is dismissed.

C Livingstone

INSPECTOR