



Appeal Decision

Site visit made on 16 October 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 31 October 2023

Appeal Ref: APP/Q5300/D/23/3325261
64 Cambourne Avenue, Enfield, N9 8QG

- 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 Ali Reshat against the decision of the Council of the London Borough of Enfield.
 - The application Ref. 23/00214/HOU dated 24 January 2023, was refused by notice dated 19 April 2023.
 - The development is described as a rear outbuilding (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development, the subject of the appeal, has already been constructed. Accordingly, the application is retrospective and I have determined the appeal on this basis.
3. The Council amended the description of the development and I have adopted this description in the banner heading above as it is more precise.
4. The Council asked that site visits be made to the neighbouring properties, but I was unable to gain access to No 66 Cambourne Avenue. I was able to view the site from the other neighbouring property, No 62 Cambourne Avenue, and there was also the opportunity to view the site from the rear access road.

Main Issues

5. The main issues in the appeal are the effect of the proposed development on the (i) the amenity of the occupiers of the neighbouring properties and (ii) the character and appearance of the area.

Reasons

Living conditions

6. The appeal property, No 64 Cambourne Avenue (No 64), is an end of terrace property arranged in a row of six properties located in a residential area and separated from its non attached neighbour by a small gap. Located to the rear of the properties on Cambourne Avenue is an access road to the garages/outbuildings sited at the rear of the properties on Cambourne Avenue and those on the adjacent street, Nightingale Road.

7. The gardens of the properties in this part of Cambourne Avenue are modest in size and the garages/outbuildings located at their rear, form a regular pattern of flat low level single storey outbuildings. Due to them extending across the full width of the rear garden they have an enclosing effect on the outlook obtained from the gardens or rear windows of the dwellings and the access road itself. The outbuilding, as built, with imposing gable ends and a high pitched roof is a notable structure due to its height and mass. From the rear gardens of the properties on Cambourne Avenue, it is significantly higher than the existing boundary walls and the upper part of the outbuilding and roof slope are overbearing features. Having viewed the outbuilding from the rear of No 62 Cambourne Avenue, it has an unduly imposing and enclosing presence given its close position and considerable mass and height. As such it significantly diminishes the outlook from the rear gardens of the neighbouring properties which provides the main outdoor amenity space for the occupiers of these properties.
8. Accordingly, the development would cause unacceptable harm to the living conditions of the occupiers of the neighbouring properties. It would therefore conflict with Policy CP30 of The Enfield Plan Core Strategy (Enfield CS) and Policies DMD8, DMD 12 and DMD 37 of The Enfield Development Management Documents (Enfield DMD). Together these policies require new development to be appropriate in its context, and for proposals for outbuildings to be of a size, scale and siting so as to not have an unacceptable impact on the adjoining properties.

Character and Appearance

9. There is a wide variety to the style, size and age of the garages/outbuildings found on the access road to the rear of Cambourne Avenue. Whilst there are examples of garages/outbuildings with a pitched roof, the majority have flat roofs which leads to a regular pattern of development of low level buildings. Many of the garages/outbuildings are old and in a poor condition. The outbuilding is of a good quality build and its modern appearance is a visual improvement from the dilapidated structure which it replaced. However, due to its height, mass and the colour of the render of the gable walls, it is prominent and stands out in contrast to the regular pattern of development visible from the rear gardens. As such, it causes an unacceptable harm to the character and appearance of the area.
10. My attention has been specifically drawn to a large garage sited opposite to the outbuilding which is higher than others on this part of the access road. Whilst it is larger than those immediately around it, it has a shallow sloping roof which mitigates against any undue dominance. I am not aware of the detailed circumstances in which this garage was built and so am unable to draw any direct parallels with the development before me. In any event each case must be treated on its own merits and the existence therefore of other development does not justify development which would otherwise be acceptable.
11. I acknowledge that the appellant has sought to refurbish the dwelling and the ancillary outbuilding to a modern standard. Further, whilst the appellant refers to the development being sustainable, the National Planning Policy Framework also requires development to be sympathetic to the surrounding built environment.

12. Therefore, having regard to the above, the development fails to comply with Policy CP30 of the Enfield CS and Policies DMD8, DMD 12 and DMD 37 of the Enfield DMD. Together these policies require new development to be appropriate in its context, and for proposals for outbuildings to be of a size, scale and siting so as to not have an unacceptable impact on the adjoining properties.

Other Matters

13. I acknowledge that the appellant has indicated that he did not appreciate the need for planning permission for an outbuilding of the height that was finally constructed and that he received differing advice as to the acceptability of the height of the outbuilding. However, these are not matters before me nor do they alter my findings.

Conclusion

14. For the reasons given, I hereby dismiss the appeal.

K Winnard

INSPECTOR