



Appeal Decision

Site visit made on 7 December 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.02.2024

Appeal Ref: APP/Q5300/D/23/3325133

41 Oakfield Road, Southgate N14 6LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 N. Shaw against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/00936/PRH, dated 23 March 2023, was refused by notice dated 26 April 2023.
 - The development proposed is described as a single storey monopitch conservatory extension to rear of end of terrace house.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. There is no evidence that the Council's description of development was agreed by the appellant. I have therefore taken the description from the application form which, in any event, adequately describes the development to which the appeal relates.
4. The provisions of the aforementioned legislation, Part A.4(7) specifically, require an assessment as to the impact of a given scheme on the amenity of any adjoining premises (living conditions), taking into account any representations received. This has formed the main issue, with specific regard to the occupants of No 39 Oakfield Road and outlook and light.

Reasons for the Recommendation

5. The appeal property is an end of terrace dwelling with roof extensions to the rear, a two storey rear projection and a further single storey rear extension. No 39, to the east, is also an end of terrace property separated from the appeal building by a communal pedestrian access.
6. There is a small area of patio the immediate rear of No 39 onto which two sets of French style doors face at right angles to one another. This area would be directly adjacent the proposed extension, separated by the aforementioned pedestrian access and a close boarded timber fence. Even taking into account

the access and boundary treatment, the proposed extension would all but enclose this area of No 39's garden and make what is already a tight and restrictive space even more so, unacceptably reducing its quality and thus enjoyment for users. The length and position of the extension would exacerbate the increased sense of enclosure and be unacceptably overbearing to the detriment of the outlook for occupiers of No 39. This harm would extend to users of the closest rooms that look onto the aforementioned area of patio, but it would not be felt as acutely. The size of the garden afforded to No 39 would not be sufficient to acceptably offset this harmful effect. Particularly since the most affected area of the garden in this case would be the patio/sitting out area immediately adjacent the rear of the house.

7. In regard to light, and taking into account the position of the two houses, their height and proximity of other extensions and boundary treatments, I do not feel that the existing situation would be made sufficiently worse to sustain an objection to the scheme on that ground alone. My concerns on the outlook for occupiers of No 39 would however remain and not be lessened by this finding.
8. The appeal building benefits from an express planning permission for a single storey extension in the location of the proposal, Council ref 20/01999/HOU. This would project three metres from the rear, nearly a metre shorter than the prior approval scheme I am considering here. The shorter projection would still have a similar effect on the occupiers of No 39 but, in the Council's view, insufficient to be considered adverse. I agree with the Council's assessment that the longer projection, in this case, would be harmful in the above terms and the existence of the consented scheme would accordingly not justify it.
9. The appeal scheme would therefore have an unacceptable effect on the living conditions of neighbouring occupiers following an assessment as to the impact of a given scheme on the amenity of any adjoining premises. It would therefore fail to accord with the conditions and restrictions of the aforementioned legislation. It would also, as far as it is a material consideration relevant to the main issue, fail to comply with Policy DMD 11 of the Development Management Document 2014, insofar as it seeks to safeguard the adequacy of outlook.

Other Matters

10. Whilst there may be other developments in the area that have similar attributes to the proposal, I cannot be certain under which development plan they were determined, what matters were taken into account in their determination or indeed whether they have the benefit of a planning permission in the first instance. They do not therefore affect my recommendation. I am also mindful of the fact that, for a scheme to be acceptable under the prior approval regime for Class A permitted development, materials should match/be similar to the host building. This would be a legislative requirement and accordingly not a matter that would weigh in favour of a given scheme.

Conclusion and Recommendation

11. For the reasons given above, I recommend that the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR