



Appeal Decision

Site visit made on 29 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Q5300/W/23/3327865

67 The Orchard, Southgate, Enfield N21 2DJ

- 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 Parid Bego against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/01304/HOU, dated 21 April 2023, was refused by notice dated 29 June 2023.
 - The development proposed is rear extension, loft conversion including rear dormer and hip to gable extension, and alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for rear extension, loft conversion including rear dormer and hip to gable extension, and alterations at 67 The Orchard, Southgate, Enfield N21 2DJ in accordance with the terms of the application, Ref 23/01304/HOU, dated 21 April 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1113_67TO_X000, 1113_67TO_X001, 1113_67TO_X002, 1113_67TO_X003, 1113_67TO_X004, 1113_67TO_D300 Rev A, 1113_67TO_D301 Rev A, 1113_67TO_D302 Rev A, 1113_67TO_D303, 1113_67TO_D304 Rev A, 1113_67TO_D305, 1113_67TO_D307 Rev A.
 - 2) No new facing brickwork shall be laid until details of the brick have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
3. Revised plans have been submitted with the appeal showing the single-storey extension pulled back into the boundary of the site. The amendment is minor, and no party would be prejudiced were I to make any decision against these plans. I have proceeded on this basis.
4. On carrying out a site visit I noted that the roof had already been extended and construction work commenced on a rear extension. I have dealt with the appeal on the basis that the planning application is partly retrospective.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area; and
- the effect on the living conditions of the occupants of neighbouring properties Nos. 65 and 69 The Orchard with regard to privacy, sunlight, daylight and outlook.

Reasons

Character and appearance

6. The appeal property is a two storey semi-detached house on a street of similar properties. Dwellings are largely designed with hipped roofs with some variety in roof forms where hip to gable extensions have been added. The properties on the eastern side of The Orchard are evenly spaced, with a shared drive between each pair and attractive double height curved bays which maintain a consistent rhythm within the street scene. To the rear the character is more varied, and many of the properties on The Orchard have been extended at ground level and have long garages in the rear gardens.
7. The proposal is for a hip to gable extension and a 'box' dormer on the rear roof plane and the erection of an extension on the rear elevation. The rear extension would be a simple, modern design and would read as two rectangular forms, a two-storey section that would project 3 metres from the rear elevation and a single-storey section alongside it that would project 6 metres.
8. The hip to gable roof extension and rear dormer were recently granted planning permission under a separate application (reference 23/01301/HOU). The Council has raised no concerns regarding this part of the scheme and as such my assessment of the appeal is focused on the proposed extension on the rear elevation.
9. The first-floor element of the extension would be relatively modest in terms of width and depth and would be set in from the boundary with the neighbouring properties on either side. The single-storey part of the extension would be adjacent to the boundary with No.69. The modern design and form would reflect other rear extensions in the area, the majority of which have flat roofs.
10. In order to control the size of residential extensions, Policy DMD11 criterion 2a. of the Improving Enfield Development Management Document (DMD) (2014) (DMD) stipulates that single storey extensions in this instance must not exceed a maximum height of 3 metres or depth of 6 metres. The single storey element of the extension would be contrary to this criterion which aims to control the size of extensions.
11. The built form of the single storey extension would be similar to the rear garages between each semi-detached pair. However, the garages are interspaced between the garden area of each property and are not attached to the rear wall. Also, most of the rear extensions in the area are single storey and a lesser depth than the proposed extension. As such the proposal would be inconsistent with the scale and density of other extensions in the area.

12. For the reasons detailed above is it considered that the proposal would result in a degree of harm to the character and appearance of the area. The proposal would be contrary to Policy DMD11 of the DMD and would fail to accord with the wider requirements of Policies D3 and D4 of The London Plan 2021 (LonP) and Policies DMD6, DMD8 and DMD37 of the DMD. These policies are consistent with the Framework in requiring that new development responds to local distinctiveness through their scale, bulk, massing, appearance and shape.
13. The decision notice cites Policy CP30 of The Enfield Plan Core Strategy 2010-2025 (CS). However, this is an overarching policy and not directly relevant in the site-specific assessment of house extensions.

Living conditions

14. As detailed above, the two-storey element of the extension would project 3 metres from the rear elevation. The submitted plans also indicate that the first storey would not breach a 30-degree line taken from the nearest window on No.69 and would comply with DMD Policy DMD11 criterion 3a. in this regard. Given the relatively modest depth and position of the two-storey element of the extension, it would not have a materially harmful impact on the living conditions of the occupants of No.69 in terms of sunlight, daylight and outlook.
15. Although not part of the reason for refusal, neighbours have raised concerns regarding the impact of the two storey element of the extension on 65 The Orchard (No.65) in terms of outlook and daylight. Based on the evidence before me and the relationship between the two properties it is accepted that the proposed development would have an impact on daylight to, and outlook from the windows on the side elevation of No.65. However, there is no suggestion that these windows serve habitable rooms. As such, there is insufficient evidence before me to demonstrate that the proposal would have a harmful impact on the living conditions of the occupants of No.65 in terms of daylight and outlook.
16. In order to control the impact of residential extensions on the occupants of neighbouring properties Policy DMD 11 criterion 2b. of the DMD states that single storey extensions should not exceed a 45 degree line taken from the mid-point of the nearest original ground floor window to any of the adjacent properties. Based on the submitted plans, the proposal would be contrary to Policy DMD11 in this respect. The existing extension on the rear elevation of No. 69 coupled with the proposed extension would result in a sense of enclosure for the occupants of No. 69. The side boundary between No. 67 and No. 69 is marked by a high timber fence and a row of mature conifers, which is likely to impact on the sunlight, daylight and outlook of the occupants of No.69 as existing. However, the proposed extension would replace the boundary with development over a significant proportion of the side boundary and would be likely to result in a degree of harm to the living conditions of the occupants of No.69 in terms of sunlight, daylight and outlook.
17. The proposed windows would mainly overlook the rear garden and are unlikely to give rise to a material degree of potential overlooking issues over what is existing. Also, boundary treatments and development within the gardens of neighbouring properties would restrict views from the extension and mitigate potential overlooking issues.

18. Based on the evidence before me, the proposal would not have a harmful impact on the living conditions of the occupants of No. 65. However, for the reasons detailed above the single storey element of the proposed extension would result in a degree of harm to the living conditions of the occupants of No.69 with regard to sunlight, daylight and outlook. The proposal is contrary to Policy DMD11 of the DMD and the requirements of Policy D3 of the LonP and Policy DMD8 of the DMD. These policies are consistent with the Framework in requiring new development is appropriate and preserves amenity in relation to daylight, sunlight and outlook.
19. Policies D4 of the LonP, DMD6 and DMD37 of the DMD and CP4 and CP30 of the CS are cited on the decision notice. However, these do not relate to the living conditions of the occupants of neighbouring properties and are therefore not relevant in my assessment of this main issue.

Other Matters

20. The appellant has pointed out that the single-storey element of the extension could be erected without the need for planning permission on the basis that they received confirmation from the Council that Prior Approval was not required¹. I am satisfied that if the appeal was dismissed, there is every likelihood that this part of the extension would be built under permitted development rights. This is as a material consideration which would, in this case, justify making a decision which is not in accordance with the development plan.
21. I have given careful consideration to the other concerns raised by neighbours, including the planning history of the site and the potential for the proposal to set a precedent for similar development in the area. However, none of these matters would justify a refusal of planning permission or lead me to a different overall conclusion.
22. Concerns have also been raised regarding the finish of the proposed extension. The submitted plans indicate that the extension would be finished in facing brick. A condition requiring the submission of details of the facing brick for approval would ensure harmonious architectural treatment.

Conditions

23. I have considered the conditions put forward by the Council. I have included those conditions that meet the tests set out at paragraph 56 of the Framework, with some minor editing of the suggested wording to improve precision and enforceability.
24. A condition requiring that the development accords with the plans is required to provide certainty and the submission of details of the proposed facing brick have been added in the interests of visual amenity.

Conclusion

25. The proposal conflicts with the development plan read as a whole, in respect of its effects on the character and appearance of the area and the living conditions of adjoining occupiers. However, existence of a fallback position under permitted development rights is a significant material consideration

¹ Appendix 2 of the Appeal Statement

which indicates a decision otherwise than in accordance with the development plan.

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

C Livingstone

INSPECTOR