



Appeal Decision

Site visit made on 1 March 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/Q5300/W/23/3324106

Flat 1, 121 Beaconsfield Road, Enfield EN3 6AP

- 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 Ms Taibat Olabisi Towolawi against the decision of Enfield Council.
 - The application, ref 23/00790/FUL dated 10 March 2023, was refused by notice dated 4 May 2023.
 - The development proposed is an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a material bearing upon the main issue in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupiers of the ground floor flats to 121 Beaconsfield Road by reason of outlook and overlooking.

Reasons

4. The appeal property is a two-storey, double fronted, bay windowed, terraced property with room in the roof space, located in a residential area, set back somewhat from Beaconsfield Street.
5. The property has been extended to the rear by a two-storey addition and also by a single storey extension beyond it. It has been sub-divided into four apartments. Flats 1 and 2 are ground floor apartments with windows to habitable rooms facing the proposed outbuilding.
6. The proposed detached, single storey outbuilding would have an oblong footprint which would extend along virtually the whole width of the host property in its rear amenity space, running parallel to its rear elevation. On my

site visit I was able to observe the very close proximity of windows to habitable rooms in relation to the proposed outbuilding.

7. While the planning application is submitted in the name of the occupier of Flat 1, 'ownership' certificates have been served upon the occupiers of the occupiers of the other apartments as persons with a legal interest in the application land. Therefore, I cannot be certain as to who might use the building.
8. However, whether it is the applicant or others, given the proximity of the proposed building to ground floor windows in the host property, it would have a significantly adverse impact upon the privacy of the occupiers and future occupiers of the associated rooms. I appreciate that a condition could be included requiring obscure glazing, but persons visiting and leaving the annexe would pass close to the windows in the host property which are not obscurely glazed. In addition, owing to the scale and position of the proposed building, it would cause harm to the outlook of the occupiers of the ground floor flats.
9. Furthermore, I cannot be sure that the living conditions of the occupiers of the ground floor flats would not be adversely affected by noise, given the proximity of the proposed annexe to existing windows.
10. Therefore, I conclude that the proposed development would not accord with policies DMD8 of the Enfield Development Management Document 2014 (DMD) which requires new development to preserve amenities in terms of privacy and outlook, or with policy DMD37 which requires development to have due regard to its surroundings. While policy DMD12 relates to outbuildings to dwellings as opposed to apartments, its principle of requiring an adequate distance from the host property is apt and the proposed development does not accord with its purpose. Neither does the proposed development accord with policy D3 of the London Plan 2021 or chapter 12 of the Framework which require development to respond appropriately to its context.

Conclusion

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

S. Hartley

INSPECTOR