



## Appeal Decision

Site visit made on 19 February 2024

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 March 2024**

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**Appeal Ref: APP/Q5300/D/23/3330280**

**234 Princes Avenue, Southgate, London N13 6HN**

- 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 Mrs Shaheda Rahman against the decision of Enfield Council.
  - The application Ref 23/01504/HOU, dated 10 May 2023, was refused by notice dated 18 July 2023.
  - The development proposed is the removal of outrigger and 6m rear extension with a height of 2.7m to the eaves from the ground level.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the living conditions of the residents of 236 and 232 Princes Avenue with regard to outlook and light.

### Reasons

3. The proposal would result in a solid wall built along the boundary with the adjacent properties that would extend six metres from the main rear walls of these houses; and would be 2.7 metres high. These houses do not have wide gardens and the structure would be extremely imposing for the residents of both neighbouring properties. The house at number 232 has a small rear canopy extension which would reduce the perceived impact of the new structure but nevertheless, the proposed extension would be overbearing when the residents were in the rear garden. Given the aspect, it would also result in increased shading in the morning for the garden of number 232 and in the afternoon for number 236.
  4. The impact on the living conditions of the residents of number 232 when within their house would be limited as the rear outrigger already restricts outlook from their rear facing windows. The proposal would however reduce direct sunlight to their rear covered area within the canopy extension. This adds to my concerns. With regard to the living conditions within number 236, the long high wall would be very close to the kitchen door and window which both provide light and outlook to that room. The outlook from the living room window would also be reduced although the loss of light would be more limited. Although the main impact would be on the kitchen, this would nevertheless, be
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- unacceptably harmful. I have had full regard to the height differences between the proposal and the existing and potential heights of any dividing fences.
5. I am mindful that a smaller extension may be able to be built. This would also reduce outlook, particularly from the kitchen door and window of number 236. The impact on the outside space of that property would however not be as severe. The impact of a smaller extension on the residents of number 232 would be much more limited given the outrigger and canopy extension. Overall however, I consider that the greater depth of this proposal would unacceptably increase the harm to the living conditions of the residents of both properties with regard to light and outlook, particularly when in their rear garden but also when in the living room and kitchen of number 236.
  6. The proposal would be contrary to the amenity requirements of policies DMD8(c) and DMD11(1a & 2) of the Enfield Development Management Document 2014 (DMD). I also find conflict with the *National Planning Policy Framework* 2023 which seeks a high standard of amenity for existing and future users. DMP policy DMD37 and policy CP30 of the Enfield Plan: Core Strategy 2010-2025 (2010) are not directly relevant.
  7. Reference has been made to a large number of extensions that have been accepted under the prior notification procedure. In these cases, the council has not been able to consider the merits of the proposals or apply their policies. It does not therefore appear that they have been inconsistent in their decisions. As this proposal was not permitted by the prior approval process and objections have been raised, it must be considered on its own merits and in light of the development plan policies.
  8. The council have raised an issue with regard to flood risk. The appellant has sought to address these concerns and provided examples whereby inspectors have taken a more pragmatic approach than the council. Given my main finding however, this is not a matter on which my decision would turn.
  9. In conclusion, the proposal would result in harm to the living conditions of the neighbouring residents and there are no matters sufficient to outweigh this concern. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**