



Appeal Decision

Site visit made on 9 January 2024 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2024

Appeal Ref: APP/Q5300/W/23/3324793

149 Chase Side, Enfield, EN2 0PN

- 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 N Davidson against the decision of the London Borough of Enfield Council.
 - The application Ref 23/00242/FUL, dated 26 January 2023, was refused by notice dated 3 April 2023.
 - The development proposed is a first-floor rear extension to provide 1 No. self-contained studio flat.
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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 Matter

3. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.

Main Issues

4. The main issues are:
 - the impact of the development on the living conditions of the neighbouring occupants at No 147 Chase Side with regards to outlook; and
 - the impact of the development on the living conditions of the existing and future occupants at No 149 Chase Side, with particular regard to outlook and light.

Reasons for the Recommendation

5. The appeal site is an end-of-terrace corner plot at the junction of Chase Side and Manor Road. It comprises a two-storey property with a retail unit on the ground floor and associated offices within a single storey extension at the rear, and a one-bedroom flat on the first floor.
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Living conditions of neighbours

6. The proposed development would be located at approximately 1.5 metres from the flank wall of the neighbouring outrigger at No 147, directly to the south of the appeal property. Whilst the appellant contends that the proposal would not materially alter the existing outlook from the nearest first floor window at No 147, the proximity of the proposed extension as well as its width and considerable depth means it would undoubtedly appear as a dominant addition. The outlook from No 147's rear window is indeed framed between first floor projections, and I acknowledge this is a fairly typical feature in dense urban areas. Nevertheless, the already restricted outlook to this window would be further significantly eroded by the position and scale of the proposed extension.
7. The development would therefore appear as an obtrusive and overbearing extension from the neighbouring property and would result in an increased sense of enclosure for the occupants. Given this, the proposal would have an adverse impact on the living conditions of the neighbouring occupiers at No 147 Chase Side with regards to a loss of outlook. It would therefore conflict with paragraph 135 of the Framework, Policy D3 of the London Plan (2021), Policy CP30 of the Enfield Core Strategy (2010)¹, and Policy DMD8 of the Enfield Local Plan (2014)² which together aim to ensure developments protect the amenity of neighbouring occupiers.

Living conditions of future occupants

8. The development would be erected adjacent to the eastern elevation of the existing kitchen of the first floor at No 149. I note the proposal would include the removal of the kitchen window facing east and the insertion of a new replacement window within the northern elevation of the kitchen. The development would not therefore lead to a loss of light or outlook within the kitchen.
9. The appellant states that the quality of amenity for existing occupiers available in the first floor bedroom would not be affected by the proposal. However, the outlook from the bedroom window facing east would clearly be adversely impacted given the position and scale of the proposed development. Because of its width, two-storey height and close proximity to the bedroom window, the extension would unacceptably alter existing levels of rear outlook and would appear as an overbearing structure.
10. Furthermore, due to the orientation of the window facing east and the position of the development, it is likely that the proposal would lead to a loss of light from this window, particularly in the morning hours. However, I acknowledge that the bedroom also possesses three west-facing windows, and as such there would not overall be an unacceptable loss of light in this instance.
11. As such, whilst I am satisfied that there would not be an unacceptable impact on existing levels of light, the development would adversely impact the living conditions of the existing and future occupants of the first floor flat at No 149 with regards to a loss of outlook. It would conflict with paragraph 135 of the Framework, Policy D3 of the London Plan (2021), Policy CP30 of the Enfield Core Strategy (2010), and Policy DMD8 of the Enfield Local Plan (2014) which

¹ London Borough of Enfield Council, The Enfield Plan – Core Strategy 2010-2025, adopted 2010

² London Borough of Enfield Council, Development Management Document, adopted 2014

together aim to ensure developments provide a high standard of amenity for existing and future residents.

Planning Balance and Recommendation

12. I recognise that the proposal would provide an additional housing unit and therefore make a limited contribution to housing supply in the area. There would also be associated limited social and economic benefits which would arise, both from the construction process and subsequent engagement by new residents with local businesses and in the community. However, these benefits, and the efficient use of land, would overall attract only limited weight in support of the development.
13. The appellant also states that rooftop development is encouraged in national planning policy and that the development is well designed, respects local character, and adds visual interest. However, whilst such encouragement may be the case, new rooftop development and attractive design should not come at the expense of the living conditions of existing and neighbouring occupiers.
14. Overall I have found that the proposal would have an adverse impact on the living conditions of the existing and future occupants as well as neighbouring occupiers. It would therefore conflict with the development plan when taken as a whole, and additionally conflicts with the Framework. The limited benefits arising in this case would not outweigh this conflict.
15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR