



Appeal Decision

Site visit made on 10th April 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

Appeal Ref: APP/Q5300/D/23/3335618

5 Wilmer Way, Southgate, Enfield N14 7JD

- 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 and Mrs Haria against the decision of the London Borough of Enfield.
 - The application Ref.23/02287/HOU dated 13 July 2023, was refused by notice dated 28 September 2023.
 - The development proposed is a part single, part two storey rear extension involving removal of the rear garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the box heading above I have used the description of development found on the Decision Notice instead of that written on the Planning Application Form. This is simply because the description is clearer on the Decision Notice.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the host dwelling and wider area and
 - the effect on the living conditions of the occupants of 3 Wilmer Way in respect of outlook and light.

Reasons

Character and appearance

4. The appeal site is a semi-detached dwelling with a single storey rear element. It is located on the north-western side of Wilmer Way. Its semi pair is no.7 Wilmer Way. No.3 is located to the northeast and is separated by a vehicular access which runs down to no.3's and no.5's garages. The appeal site has a wall with a gate in it at the rear which separates the rear garden from the accessway.
5. Wilmer Way has a mixture of semi-detached and detached dwellings varying in size and design. Properties have a variety of extensions including roof extensions and single storey extensions.

6. The appeal site has an approval to erect a single storey rear extension about 6m deep by about 2.8m high and about 3.2m high to eaves (ref.23/02292/PRH) and a Certificate of Proposed Lawful Use for a hip to gable roof extension with a rear dormer (ref.23/02292/CEA).
7. The proposal involves the demolition of the garage to no.5 and a structure to the rear of it. A ground floor extension is proposed which would extend out to the rear building line of the garage but it would not be the full width of the dwelling. Its longer elevation would be on the northeastern side of the dwelling adjacent to the accessway. A first floor extension is also proposed. This would be on the northeastern side of the dwelling opposite the flank elevation of no.3 Wilmer Way. It would extend about 4.1m from the existing first floor rear elevation of the appeal dwelling. It would not be a full width first floor extension as it would be set in from the common boundary with no.7 Wilmer Way by about 3.95m. It would have a flat roof.
8. The proposed development would add considerable mass and bulk to this semi-detached dwelling. Whilst the footprint and mass of the garage and its rear structure would be lost, the overall depth of the dwelling would be considerable and strikingly disproportionate to the original semi. I have borne in mind the difference in land levels and approval ref.23/02292/PRH but nevertheless what is proposed at ground floor level is deeper and more harmful. The proposed addition of a first floor extension as part of this appeal proposal would add further mass and bulk to the semi to the detriment of the appearance and character of the original dwelling. Its flat roof would, owing to its size, fail to blend sympathetically with the main roof profiles.
9. The resulting northeast flank elevation would be imposing and overly bulky resulting in harm to the wider character of the area, notwithstanding that it could only be glimpsed from the public realm. I agree with the Council that overall, the appeal proposal would not result in a subordinate extension of the existing dwelling. The attractive character of the original semi-detached dwelling would not be discernible.
10. I have taken note of other extensions to properties in the area. Even though it is not clear from the documents before me which are expressly authorised by the Local Planning Authority, which not, and/or which are compliant with permitted development rights, they do not outweigh the harm I have identified to the host dwelling in this particular case.
11. Consequently, I conclude on this issue that the proposed development would harm the character and appearance of the host dwelling and the wider area. It would be contrary to policy D4 of the London Plan 2021, policy CP30 of the Enfield Plan Core Strategy (adopted 2010) and policies DMD11 and DMD37 of the Enfield Development Management Document (adopted 2014).

Living Conditions for Occupants at 3 Wilmer Way

12. No.3 Wilmer Way has a very large rear roof dormer and a ground floor rear extension. Its garage is at the end of the accessway next to the appeal site's garage. The appeal proposal would result in a deep and high flank wall to no.5. (albeit with the first floor not extending the same depth as the ground floor). This would result in a dominant structure that would be overbearing for the occupants of no.3 Wilmer Way when using the accessway to access their garage

or rear garden via their rear gate. The effect would be tunnel-like with an unacceptable sense of enclosure for users of the accessway.

13. The rear windows at no.3 are orientated towards its own rear garden and, whilst noting the breach of the 30 degree line by the proposed first floor extension, I do not consider there would be a material loss of outlook from those windows caused by the proposal.

14. There would be some loss of light to the accessway, the first floor rear window and the rear amenity area of no.3 Wilmer Way, however, the losses would be slight and not, in my view, sufficiently material to warrant refusal of planning permission on that basis.

15. Consequently, on this issue I conclude that there would not be a material loss of light for the occupants of no.3 Wilmer Way but that there would be an unacceptable loss of outlook when using the accessway. The proposal would therefore be contrary to policy CP30 of the Enfield Plan Core Strategy (adopted 2010) and policies DMD11 and DMD 37 of the Enfield Development Management Document (adopted 2014).

Conclusion

16. Whilst I have not found that loss of light to no.3 Wilmer Way from the proposed development would be unacceptable, I have nevertheless found that the occupants would experience an unacceptable loss of outlook. I have concluded that there would also be harm to the character and appearance of the host dwelling and wider area from the proposed development. Overall, the disbenefits of the proposal outweigh the benefits and I consider that planning permission should not be granted.

17. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR