

Appeal Decision

Site visit made on 23 April 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.05.2024

Appeal Ref: APP/Q5300/D/24/3336742

2 Berkshire Gardens, Southgate, London N13 6AB

- 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 Tanim Tanimul against the decision of Enfield Council.
 - The application Ref 23/02597/HOU, dated 8 August 2023, was refused by notice dated 20 October 2023.
 - The development proposed is a single storey rear extension and part first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 4 Berkshire Gardens with regard to privacy, light and outlook.

Reasons

3. The council's reason for refusal relates primarily to the effect of the proposal on the character and appearance of the area. However, the delegated report also identifies that the first floor addition would impact on the amenities of the residents of the adjoining residential property. The neighbouring resident has also raised concerns with regard to the impact of the proposal. The effect on neighbouring amenity has therefore been considered as a main issue.
 4. The ground floor extension would match the depth of the existing outbuildings along the shared boundary with 4 Berkshire Gardens. Although this would be a deep extension and would also extend beyond the flank wall of the house and include an angled return, it would have little wider prominence. It would result in an effective use of this space and would be of a design common to the rear of residential properties.
 5. The rear first floor extension would be discernible from the street but would not be prominent. It would appear as a continuation of the flank wall. The roof pitch would match that of the hipped roof to the side, but at a lower level. The crown roof would not be evident in these views. Given its position to the rear
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- and subject to matching materials, the addition would not result in harm to the public domain or detract from the character or appearance of the area.
6. The proposal would not conflict with the general design objectives of policy D4 or D6(A) of The London Plan 2021 (LP); policy CP30 of the Core Strategy 2010-2025 (2010); or policies DMD6, DMD8(a&e) or DMD11(1c) of the Development Management Document 2014 (DMD).
 7. With regard to the impact on the amenity of residents of 4 Berkshire Gardens, the ground floor element would be acceptable. It would be at odds with DMD policy DMD11, part (2a), which places limits on the depth of ground floor extensions. The supporting text does not justify these particular limits but advises that extensions may disrupt the established pattern and form of development and therefore may have impacts on residential amenity. It also makes reference to aesthetics. Whilst the ground floor element exceeds the set limit, prior approval for an extension that also exceeds the limit, has already been granted. Given the particular circumstances of this site, including the depth of development already along the boundary, whilst the ground floor element is at odds with the detailed wording of the policy, there is no conflict with its objectives.
 8. The first floor extension would be set away from the shared boundary. The proposed first floor window would not offer views significantly different from the existing rear windows and as such, there would be no material change with regard to privacy.
 9. Given the aspect of these properties, the first floor extension would only impact direct sunlight in the late afternoons/evenings when the sun is towards the west. The nearest window in the adjacent property serves a bathroom with the nearest window to a habitable room being the bay window which is at the other side of the house. There would be a loss of direct sunlight to the rear bay window for a short period when the sun is at a low height to the west, particularly in summer. Ambient light levels in that room and outlook from it, would remain acceptable.
 10. Given the depth of the proposed extension, despite its distance from the boundary and the nature of development to the rear of the appeal property and the adjoining dwelling, it would be dominant when in the patio area outside the rear of the neighbouring house. It is evident that this area is used for sitting out and is laid out to take advantage of the late evening sun. Given the depth and height of the proposed first floor structure, it would reduce the outlook from the private area of the neighbouring garden.
 11. Shading diagrams have not been provided but it would appear that the proposal would reduce the amount of time in the evening that the sun reached residents on the neighbouring patio area. It would become shaded earlier in the height of summer because of the proposed extension. The loss of direct sunlight would only be for a short period towards the end of the day but it would be particularly noticeable in the summer months. Given the depth of the proposed structure at first floor level and the particular aspect of these properties, the combination of the reduction in outlook and direct sunlight to the patio area, would be sufficient to unacceptably harm the living conditions of

the residents of 4 Berkshire Gardens. The reduction in direct sunlight to the rear bedroom adds to this concern.

12. Part (3a) of DMD policy DMD11 advises that first floor extensions must not exceed a line taken at 30-degrees from the mid-point of the nearest original first floor window to any of the adjacent properties. The appellant has provided an indication that the proposal meets the 30-degree requirement with regard to the nearest habitable window. This appears to be a reasonable interpretation of the policy. However, part (1a) of the policy does not accept impacts on the amenities of the neighbouring properties. Similarly, DMD policy DMD37(1) states that development which fails to have appropriate regard to its surroundings, will be refused. The two storey element, although of a satisfactory design, fails to have appropriate regard for its surroundings.
13. There would also be conflict with DMD policy DMD(8c) which seeks to preserve amenity including in terms of sunlight. There would be similar conflict with the *National Planning Policy Framework 2023* with regard to its requirement for a high standard of amenity.
14. In conclusion, the proposal would have a satisfactory appearance and would not result in an unacceptable change with regard to privacy. There would however be harm to the amenities of the neighbouring residents with regard to direct sunlight and outlook when within their most private area of garden. These changes, although limited to a short period of time, would result in an unacceptable reduction in living conditions when in the neighbouring garden and would conflict with elements of DMD policies DMD8, 11 & 37. The works would result in a more efficient use of the site and improved and updated accommodation. It would also result in investment and benefits to the economy. However, the benefits would come at the expense of the amenities of the neighbouring residents and on balance, they are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR