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# Appeal Decision

Site visit made on 8 April 2024

**by L Clark BA(HONS) DIPTP MRTPI**

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

**Decision date: 16<sup>th</sup> May 2024**

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**Appeal Ref: APP/Q5300/W/23/3333006**

**69 Queen Annes Grove, Enfield, EN1 2JU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Afrim Reka of ERS Properties Ltd against the decision of the Council of the London Borough of Enfield.
  - The application Ref is 23/02921/VAR.
  - The application sought planning permission for redevelopment and sub-division of site to provide 2 x two-storey semi-detached dwelling houses, involving associated parking, cycle parking, refuse storage and landscaping without complying with a condition attached to planning permission Ref 23/01686/FUL, dated 3 August 2023.
  - The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans and documents, as set out below: 072\_100 A; 072\_210 A; 072\_111 A; 072\_111D A; 072\_114 A; 072\_151 A; 072\_151D A; 072\_114 A; 072\_151 A; 072\_151D A; 072\_152 A; 072\_152D A; 072\_153 A; 072\_153D A; 072\_154 A; 072\_154D A; 072\_155 A; 072\_171 A; 072\_210 A; 072\_211 A; 072\_212 A; 072\_214 A; 072\_251 A; 072\_252 A; 072\_253 A; 072\_254 A; 072\_255 A; 072\_271 A; Flood Risk Assessment, March 2022.
  - The reasons given for the condition is: For the avoidance of doubt and in the interests of proper planning.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

## Background and Main Issue

3. Planning permission was granted for the redevelopment and sub-division of the site to provide 2 x two-storey semi-detached dwelling houses. The appeal seeks permission to vary condition 2 to allow dormer windows to the front and rear, as well as an air source heat pump, and internal layout amendments.
4. The reason for refusal relates only to the dormer windows. Therefore, the main issue is the effect of the proposed dormers on the character and appearance of the surrounding area and the consented dwellings.

## Reasons

5. The appeal site (No 69) is located in a predominantly residential area containing a mix of detached and semi-detached two-storey dwellings and bungalows. Whilst a number of dwellings on Queen Annes Grove (QAG) have side dormers and roof lights to the front roof slope, the front elevation within the immediate vicinity is uncluttered and free from any additional built form. The uncluttered and uniform nature of the roofscape makes a positive contribution to the street scene.
6. The appellant contends that the dormers would be a contemporary interpretation of a traditional bay window. However, the presence of dormers within the front roof slope would be visible within the street scene against the prevailing uncluttered character. The proposed dormers would therefore draw the eye to the roof slope and appear as incongruent additions within QAG, adversely affecting the character and appearance of the surrounding area.
7. The rear roof slopes of this section of QAG are largely obscured by the orientation of properties to the street pattern. The aerial imagery submitted by the appellant however does show that dormers of varying sizes and designs are features of the rear roof slope. The proposed rear dormers would be narrower than the windows to the upper floors and would appear subordinate within each roof slope. Even though their alignment does not truly follow the fenestration pattern within each dwelling, the dormers would be seen against a similar backcloth. As such, given the prevailing character of the rear of QAG, the insertion of two modest dormers would not be harmful to the character or appearance of the surrounding area.
8. For the reasons given above, I conclude that whilst I found no harm with regard to the rear dormers, the proposed front dormers would appear incongruent within the street scene and dominate the front roof slope of the dwellings. As such, their presence would be harmful to the character and appearance of the surrounding area and consented dwellings. Accordingly, the proposed front dormers would conflict with Policies D3 and D4 of the London Plan 2021, Policy CP30 of the Enfield Plan Core Strategy 2010-2025 (Core Strategy), Policies DMD6, DMD8, DMD13 and DMD37 of Enfield's Development Management Document 2014 (DMD) which collectively seek, amongst other things, that development respond to the existing character of a place. There would also be conflict with chapter 12 of the Framework, insofar as it requires developments to be sympathetic to the local character.

## Other Matters

9. The appellant has drawn my attention to other dormers in the local area. As I have found no harm with regard to the rear dormers, I have focused on the highlighted front dormers.
10. There are front dormer windows within walking distance of the site. However, they do not form part of the immediate context and are not visible from the appeal site. Front dormer windows are not a common feature of this part of QAG. In addition, I have not been provided with the details of the nearby dormers and as such, cannot be sure that the circumstances are comparable. In any case, I have determined the appeal on its own merits, based on the evidence before me. As such, the presence of other front dormer windows does not justify harmful developments.

11. In addition to the Policies referred to in the reason for refusal, the appellant contends that the proposed development accords with Policy DMD38 of the DMD and Policy CP4 of the Core Strategy. DMD Policy 38 relates to design and seeks, amongst other matters, for applications to be accompanied by design and access statements. The planning application was supplemented with a Supporting Document detailing the changes and rationale. Policy CP4 of the Core Strategy seeks for new housing to be of high-quality design and sustainable. This Policy is an extension of the Policies referred to in the reason for refusal which I have found the proposed front dormers would conflict with. Whilst the appeal would not conflict with Policy DMD38, that does not alter my findings that the proposal would not result in a high-quality design overall.
12. The absence of harm regarding the quality of accommodation, in the palette of materials proposed, are neutral matters in the overall planning balance as they would be likely requirements of any well-designed development.

### **Planning Balance and Conclusion**

13. I have taken into account the highlighted benefits of the proposed development. Nonetheless, the benefits would not outweigh the harm that would be caused to the character and appearance of the area. On balance, I find that the proposal conflicts with the development plan taken as a whole, and material considerations do not indicate the decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*L Clark*

INSPECTOR