



Appeal Decision

Site visit made on 13 July 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 JULY 2024

Appeal Ref: APP/Q5300/D/24/3339966

55 De Bohun Avenue, LONDON N14 4PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Williams against the decision of the London Borough of Enfield Council.
 - The application Ref is 23/04066/HOU.
 - The development proposed is described as "proposed garage conversion, new front porch, single storey side & rear extension & new pitched roof following demolition of existing front bay and rear lean-to".
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raise no objections to the design or impacts on adjoining occupiers of the proposed extensions and alterations. There are no reasons to disagree with these conclusions. Therefore, the main issue in this appeal is the effect of the use of the proposed patio on the living conditions of the adjacent residents.

Reasons

3. The appeal property (No 55) was undergoing extension and alteration works at the time of the site visit. The Council's measurements indicate that the raised patio extending from the rear of the extension as shown on the 'existing' plans is 2.8m deep and 40cm high. The appeal proposals include further raising the height of the patio to 80cm. It would extend approximately 9.9m beyond the rearmost wall of the neighbouring property, No 53 and around 8.6m beyond the rear of No 57.
4. The ground level at the rear of the properties varies, sloping considerably down and away from the rear of No 55. The neighbouring No 57 is also significantly lower than the appeal property. The proposed increase in the patio height when considered alongside its siting and overall depth would result in unacceptable overlooking of the neighbouring properties when the patio is in use, despite boundary fencing and planting. There is no evidence to the contrary. This harm to neighbouring living conditions would be contrary to the provisions of Policies DMD8 and DMD37 of the Development Management Document, Policy CP30 of the Enfield Plan Core Strategy and Policy D4 of the London Plan (2021).

5. In terms of other objection comments received, the relationship of the proposed extensions to adjoining properties and its overall height were considered against the Council's policies for such development and were found acceptable. Having regard to their spatial relationships and the distances from the boundaries, there are no reasons to disagree. Similarly, I agree with the Council that the proposal overall would not appear out of character with its context. Furthermore, sufficient information was provided to enable a planning decision to be made.
6. In conclusion, for the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Elaine Benson

INSPECTOR