



Appeal Decision

Site visit made on 6 August 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/Q5300/D/24/3336669

1 Lowther Drive, Enfield EN2 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr. Ibrahim Has against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/03586/PRH.
 - The development proposed is described as 'rear side 6.00 meter large extension'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the enlargement of a dwelling subject to the satisfaction of expressed limitations, restrictions and conditions. One such, for the purposes of this appeal, requires an assessment to be made as to the effect of a given scheme on the amenity of any adjoining premises, considering any representations received.
3. Therefore, the main issue is whether prior approval should be granted considering the effect of the proposal on the living conditions of the occupiers of 3 Lowther Drive, with regard to outlook and daylight/sunlight.

Reasons

4. The appeal property is attached to No 3 which creates a sensitive relationship. No 3 is located to the east of the appeal site and benefits from an open outlook across a long linear rear garden.
5. The appeal property has an existing modest ground floor rear extension that is set back from the shared boundary with No 3. However the proposed rear extension would be on the shared boundary and of a significant length, the full extent of which would be experienced from the ground floor French doors and the private outdoor space at No 3. Despite being single storey, the proposal would bring development closer to No 3, introducing a blank brick wall at proximity. This visual change would appear as a dominant and oppressive feature, narrowing the outlook experienced from both inside No 3 and from the private outdoor space.

6. Owing to the increase in depth at the shared boundary with no set back, it seems likely that the proposal would result in a noticeable reduction in daylight/sunlight for the occupiers of No 3 at certain times of the day, to the extent that it would have an unacceptable effect on their living conditions. In coming to this conclusion, I have taken account of the location of the proposed extension to the southwest of the rear elevation of No 3.
7. As such, the proposal would be unduly harmful to the living conditions of the occupiers of 3 Lowther Drive, with regard to outlook and daylight/sunlight. Insofar as they are a material consideration, the proposal conflicts with Policy 30 of The Enfield Plan Core Strategy 2010 – 2025 (2010) and Policies DMD8 and DMD11 of the Development Management Document (2014) which together, amongst other things, require that development has special regard to its context and preserves amenity in terms of daylight, sunlight and outlook.

Conclusion

8. For the above reasons, and taking account of all other matters raised, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR