

Appeal Decision

Site visit made on 2 July 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref. APP/Q5300/D/24/3342684

45 Apple Grove, Enfield EN1 3DA

- 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 Mrs Derya Erbil against the decision of the Council of the London Borough of Enfield.
 - The application ref. is 23/04170/HOU.
 - The development proposed is erection of rear canopy (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear canopy (retrospective) at 45 Apple Grove, Enfield EN1 3DA in accordance with the terms of the application ref. 23/04170/HOU and the plans submitted with it.

Main issue

2. The main issue is the effect of the rear canopy upon the character and appearance of the host property and the surrounding area.

Reasons

3. Apple Grove is characterised by 2-storey, semi-detached houses (like nos 45 and 47 on the southern side of the road) and attractive street planting.
 4. Beyond the appeal property's rear garden is a section of the New River. This stretch of the waterway and the path alongside it did not seem to me to be publicly accessible.
 5. No. 45 has been the subject of ground floor and roof-level rear extensions since its original construction. The canopy was added in November 2023.
 6. The canopy takes the form of a simple sloping polycarbonate roof supported by 2 white metal posts. It is also attached to the permitted ground floor rear extension. By being open below its roof, not creating any habitable floor space and offering, in the main, cover to the small paved patio and the path to the door of an outbuilding sited close to the back of the house, the canopy appears more like a garden structure or veranda than a typical extension as such.
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7. In itself, the canopy is not disproportionately sized in terms of its depth, width or height. The permitted ground floor rear extension significantly exceeded 3 m in depth and makes up a sizeable part of the overall cumulative depth of about 8 m. In any event, the sides of the canopy have no real physical substance so its projection of about 4.5 m beyond the rear extension to no. 47 is of little consequence in visual terms. A very small section of the roof has a nominal protrusion over the side gate but to all intents and purposes the canopy structure is not materially wider than the original dwelling. At the point of attachment, the canopy is notably lower than the earlier rear extension and falls away from it to reach a height of only about 2.34 m at the eaves.
8. Apart from a glimpse from Apple Grove of the minor protrusion over the side gate, the canopy is not visible from public vantage points and in my judgement, it is too low and slight to stand out in private views from the rear of other dwellings in this locality. To the extent that it may be seen in private views, its materials of construction blend in well with the white finish to the rear walls and the PVCu joinery. I saw that the canopy overhangs a small part of the outbuilding's roof but this does not lead to such a seriously skewed or poorly designed built form that it is visually disruptive. I consider the canopy is a functional, yet appropriate form of development. It is respectful of the host building's proportions, scale, character and appearance, and of the local character more generally, including the wider suburban setting of the site where there are various extensions and outbuildings at the back of the houses.
9. I find on the main issue that the rear canopy is not harmful to the character and appearance of the host property and the surrounding area. As the scheme avoids any adverse visual impacts, delivers high quality design and has appropriate regard to its surroundings and context, there would be respect for the most relevant development plan policies – Policy D4 of the London Plan 2021, Core Policy 30 of Enfield's Core Strategy 2010 and Policy DMD 37 of Enfield's Development Management Document 2014 (EDMD). These policies are consistent with the National Planning Policy Framework.
10. The Council refers to Policies DMD 6 and DMD 8 of the EDMD both of which, to my mind, are mainly aimed at new residential development proposals rather than extensions to or structures within the back gardens of existing dwellings. The Council found that the rear canopy would not cause an excessive loss of amenity for neighbouring properties for any reason and would comply with Policy DMD 11 of the EDMD. I see no reason to disagree although this is a neutral factor which neither weighs for nor against the proposal.
11. The Council, in its questionnaire, suggests a total of 3 planning conditions to be imposed in the event of the appeal being allowed. However, as the canopy has already been completed in an acceptable manner in appropriate materials, it is not necessary for conditions setting a time limit for the commencement of development, requiring the development to be carried out in accordance with the submitted drawings or ensuring the use of matching materials.
12. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale INSPECTOR