



Appeal Decision

Site visit made on 23 July 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2ND September 2024

Appeal Ref: APP/Q5300/D/24/3338469

45 Oakfield Gardens, Enfield, Edmonton N18 1NY

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Kesete Goitom against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/03764/PRH.
 - The development proposed is single storey rear extension 5.3m deep x 3m high (2.9m high to eaves).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority, once an objection from the occupier of an adjoining property is received, to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account representations received.

Main Issue

4. The main issue is the impact of the proposed development on the amenity of adjoining premises at 43 Oakfield Gardens (No 43) and 47 Oakfield Gardens (No 47) with regard to light and outlook.

Reasons

5. The appeal site relates to a two-storey end of terrace house located within a predominantly residential area in Enfield. The proposed development would involve demolition of a small original outbuilding located on the shared boundary with No 47 and erection of a single storey extension that would protrude 5.3 metres beyond the rear elevation of the appeal property and extend across its full width. The extension would be flat roofed and constructed in matching materials to the existing building.

6. No 43 is separated from the appeal site by a side passage. No 43 has a single storey rear extension built close to the boundary with the appeal property. Given the separation distance and the presence of the existing extension, the proposal would not cause harm to the living conditions of the occupiers of No 43 with regard to light, outlook or privacy.
7. No 47 is attached to the appeal site and remains largely original with a small outbuilding mirroring that of the appeal property on the shared boundary. There is a large opening to a habitable room on the ground floor of the rear elevation of No 47. The proposed extension would sit close to the shared boundary with No 47.
8. While the appellant argues that the extension would be angled away from No 47, only the rearmost section of the extension is set away at 0.4 metres from the boundary with No 47. The extension would sit on the boundary with No 47 close to its rear elevation and be less than 0.4 metres away from the boundary for the majority of its depth.
9. The outbuilding of No 47 would obscure the proposed extension to some extent but as the outbuilding only measures 1.7 metres in depth and 2 metres at eaves height and 2.84 metres at maximum height, the extension would be 1 metre higher than the eaves height of the outbuilding and would project beyond its rear wall. It would be about 1 metre above the existing boundary fence which is approximately 2 metres in height. Due to the combination of its height, depth and proximity to No 47, it would have a dominating and overbearing impact that would cause unacceptable harm to the outlook of the occupiers of No 47.
10. The siting, depth and height of the extension would also affect the amount of sunlight reaching the outdoor area and the opening on the rear elevation of No 47. At a maximum height of 3 metres and a depth of 5.3 metres, the extension would cast shadow over the property for at least part of the day. This would particularly be the case during the winter months when the sun rises to a lower point in the sky. The loss of sunlight would significantly reduce the occupiers' enjoyment of their property. The height and proximity of the extension would also result in some loss of daylight to No 47. I do not agree with the appellant that the impact would be mitigated by the relatively large size of the rear gardens as the area most directly affected is immediately to the rear elevation of No 47.
11. The proposal would cross the 45-degree line when taken from the midpoint of the nearest ground floor opening to a habitable room. The drawing included within the appellant's statement shows the 45-degree line is only marginally contravened. However, from my site visit I saw that the opening on the rear elevation of No 47 appeared wider than that shown on the drawing. Nevertheless, even if the impact on the rear opening of No 47 would be limited, the proposal would still be harmful in terms of loss of daylight and sunlight to those using the outdoor area of No 47. Likewise, the 45-degree line assessment does not negate the detrimental impact that the proposal would have on the outlook of the occupiers of No 47.
12. There are no windows on the proposed extension that would face No 47 and therefore there would be no reduction in privacy.

13. The fact that the proposal would use matching materials to the existing building and that it would not be visible from the public realm, would not mitigate the harmful effect of the proposal on the living conditions of the occupiers of No 47 with regard to light and outlook.
14. Accordingly, given my findings above, the proposal would unacceptably harm the living conditions of the occupiers of No 47. Consequently, it would fail to comply with Policy DMD11 of Enfield's Development Management Document (2014) which amongst other things, seeks to protect the amenity of neighbouring occupiers.

Other Matters

15. The presumption in favour of sustainable development in the Framework applies where development proposals accord with an up-to-date development plan, and I find that the proposal does not.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

U P Han

INSPECTOR