



Appeal Decisions

Site visit made on 13 July 2024

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal A Ref: APP/Q5300/D/24/3339810

15 Bayliss Close, London N21 1SP

- 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 Michael Flynn against the decision of the London Borough of Enfield Council.
 - The application Ref is 24/00082/HOU.
 - The development proposed is described as "single storey extension for 4.5m".
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Appeal B Ref: APP/Q5300/D/24/3342798

15 Bayliss Close, London N21 1SP

- 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 Michael Flynn against the decision of the London Borough of Enfield Council.
 - The application Ref is 24/00663/HOU.
 - The development proposed is rear dormer with front roof lights.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 1 August 2024.

Decisions

Appeal A Ref: APP/Q5300/D/24/3339810

1. The appeal is allowed and planning permission is granted for a single storey extension at 15 Bayliss Close, London N21 1SP in accordance with the terms of the application, Ref 24/00082/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: P0000 6A, P0000 7A, P0000 8A, P0000 9A, P0000 10A and P0000 12A.

Appeal B Ref: APP/Q5300/D/24/3342798

2. The appeal is allowed and planning permission is granted for rear dormer with front roof lights at 15 Bayliss Close, London N21 1SP in accordance with the

terms of the application, Ref 24/00663/HOU, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: P0000 6A, P0000 7A, P0000 8A, P0000 9A, P0000 10A and P0000 11A.

Preliminary Matter

3. In the interest of brevity and to avoid repetition, the appeals will be assessed together except where indicated.

Main Issues

4. In both Appeal A and Appeal B one of the main issues is the effect of the appeal proposal on the character and appearance of the host property and the surrounding area. An additional main issue in Appeal A is the effect of the proposed extension on the living conditions of the occupants of No 11 Bayliss Close (No 11).

Reasons

5. The appeal property comprises a two-storey terraced dwelling standing in a row of 9 similar properties in a cul-de-sac.

Single-storey extension

6. The proposed single storey rear extension would be 4.5m deep and would extend across the width of the garden. It would align with the projecting rear elevation of No 17 Bayliss Close which is set back from the road. The development would amount to a substantial increase in the scale and bulk of the appeal property. However, within the context of the staggered arrangement of the properties, the single storey extension would not appear overbearing or otherwise visually dominant.
7. I am satisfied that the design, depth, scale, and siting of the proposed extension would be sufficiently subservient and would not amount to a dominant and obtrusive form of development. It would not harm the appearance of the original dwelling or otherwise conflict with the established character, form, and pattern of development of the surrounding area. Indeed, other properties in the terrace have been extended and the proposed extension would not appear out of character.
8. Turning to the impact of the proposed extension on the occupiers of the adjacent No 11, that property has not been extended. The proposal would be 4.5m deep and thereby in conflict with Policy DMD11 of the Development Management Document (2014) (DMD) which normally allows a maximum of 3m deep extensions. However, No 11 is set at a higher ground level than No 15 and there is a boundary fence between the two properties. This relationship ensures that the proposed extension would not be overbearing in views from the neighbouring property, despite a theoretical breach of the 45-degree rule

which is also precluded by DMD11. Furthermore, due to the orientation of the terrace, the back gardens are shaded by the main buildings. The proposed extension would not increase overshadowing at the rear of No 11. Considering these factors together, the proposed rear extension would not result in a loss of sunlight and daylight, outlook or privacy and therefore would not harm the living conditions of the occupiers of No 11.

9. I conclude that the proposed single-storey rear extension thereby accords with the aims of London Plan (LP) Policies D4 and D8, Core Strategy (2010) (CS) Policy CP30 and DMD Policies DMD6, DMD8, DMD11, and DMD37 which in summary seek to ensure that development is of high-quality design and does not harm neighbouring living conditions. There would be no conflict with the similar aims of the National Planning Policy Framework (the Framework).

Dormer

10. There are no rear dormers on the host terrace, although one dormer can be seen on a neighbouring property to the rear. The sloping topography together with the variety of house styles and detailing combine to produce a variety of roof ridge and eaves heights in the locality. The appeal property stands towards the end of the cul-de-sac adjacent to Nos 17 and 19 which, although part of the terrace, are set back considerably from the road. This arrangement of the buildings leads to a disrupted ridge line. Furthermore, the roof ridges do not uniformly step down the remaining houses in the terrace. As a result, the varied ridge heights do not appear as a defining local design characteristic.
11. It is proposed to raise the roof ridge of No 15 by 0.8m, to provide the proposed rear dormer window with the required headroom. Within the context I have identified, the raised roof ridge would not be obvious or appear discordant. Consequently, this element of the appeal proposal would not harm the appearance of the host property or the wider area and would be sufficiently sympathetic to local design character.
12. The proposed dormer would be large within the context of the small host dwelling. However, the sloping ground levels in the vicinity of the appeal property, the staggered building line and the stepping of fence and roof lines would limit its prominence. The proposed dormer would be set up from the eaves and set in at the sides and would largely fall within the tolerances identified in paragraph 1a) of DMD Policy DMD13. Although the dormer would not be set down 0.2m from the ridge, this would not be apparent at the rear of the house. The dormer would not appear overly dominant or unacceptably disproportionate in its context. It would be viewed against the mass of the existing house, resulting in no visual harm to the host property. The dormer would have no impact on the street scene due to its rear location, its distance from public viewpoints and the tree screening from wider views at the rear. Overall, the proposal would not be dominant in views from the surrounding area and would thereby satisfy the broad objectives of Policy DMD13.
13. In conclusion, the proposed rear dormer would sufficiently respect the character and appearance of the host property and the terrace and would not harm the visual amenities of the surrounding area. The proposal therefore accords with the identified aims of LP Policies D3 and D4, CS Policy CP30 and DMD Policies DMD8, DMD 13 and DMD 37.

Overall Conclusion

14. For the reasons given above I conclude that Appeals A and B should be allowed. In both appeals conditions are necessary which require the development to be carried out in accordance with the approved plans, for the avoidance of doubt and to provide certainty. Conditions requiring the use of matching materials are necessary to safeguard the character and appearance of the surrounding area.

Elaine Benson

INSPECTOR