

Appeal Decision

Site visit made on 1 October 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/Q5300/W/24/3346311

RSPCA Clinic, 45 Primrose Avenue, Enfield EN2 0SZ

- 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 C Karridge of RSPCA against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/03730/FUL.
 - The development proposed is demolition of existing buildings and erection of a two-storey detached building to replace existing cattery. Provision of plant on the flat roof of the rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal includes the demolition of the existing buildings within the site and their replacement with a new building. Therefore, the existing host buildings would not be retained nor existing buildings extended as part of the proposed development, despite inference of such in regard to the effect on the host building in the Council's reasons for refusal. I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the surrounding area, in particular regard to the proposed first floor elements at the rear, the mansard roof, and the proposed first floor privacy screen and plant; and,
 - the effect of the proposed privacy screen and plant on the living conditions of the occupiers of 6, 7 and 8 Rosemary Avenue (Nos 6, 7, 8) and 43 and 55 Primrose Avenue (Nos 43 and 55), in particular regard to loss of privacy, sunlight and daylight, and outlook.

Reasons

Character and appearance

4. The appeal site is within a predominately residential area, with dwellings and their rear gardens surrounding the site to all sides. While the existing buildings within the appeal site are single storey with flat roof design, typically buildings along Primrose Avenue are 2 storeys with pitched roofs. Some of the existing dwellings in the surrounding area have rooms in the roof, with common use of rooflights in the front roof slopes. Also, there are a number of examples of large,

boxed dormers on the rear roof slopes of dwellings evident in the surrounding area, including at the rear of No 43.

5. The existing single storey buildings within the appeal site, together with other structures, including single storey canopies, occupy most of the footprint of the appeal plot. This is untypical in terms of building to plot ratios compared to that of neighbouring residential properties, which generally have rear garden areas occupying approximately half of their plot depths. Therefore, the existing buildings within the appeal site are out of context, in terms of their scale, form, and build to plot ratio compared to that of surrounding dwellinghouses. Also, as undisputed by the appellant, the existing buildings do not make a positive contribution to the character and appearance of the surrounding area.
6. The proposed front façade of the new building would align with that of neighbouring dwellings along Primrose Avenue. Also, the treatment of the front elevation of the new building, in terms of window detail and proportions, and height of the proposed main roof would be in keeping with that of adjacent properties. Therefore, from the front, the proposal would successfully assimilate within the street scene in terms of these elements of the proposed scheme and remove the existing unsympathetic flat roof buildings.
7. The footprint of the proposed new building would not be that different to the existing single storey buildings, in terms of its plot coverage and proximity to the rear boundary of the plot. However, the new building would be taller, bulkier, and significantly increase the total amount of floorspace, compared to the existing low flat roof buildings. Also, the two storey element of the proposed building, with proposed rooms in the roof and mansard roof design, would project further to the rear than the two-storey elements of Nos 43 and 55, and would not align with the typical roof design of neighbouring properties. Additionally, the overall bulk and mass of the proposed building, particularly when viewed at the rear, would be disproportionate to that of surrounding properties. Therefore, in such respects, the proposal would not be in keeping with the prevailing pattern of development in the surrounding area.
8. While I appreciate the proposed roof top plant is required through the necessity of the proposed scheme, including its use. Due to the elevated roof location of this and the significant extent of privacy screen proposed atop the rear flat roof part of the building, it would form an incongruous, overly dominant feature in the surrounding residential setting. Whether considered in isolation or in combination with the wider proposed scheme, such proposed plant and privacy screen would be harmful to the character and appearance of the surrounding area. Furthermore, the proposed green sedum roof design and lightweight appearance of the cedar slated panels would not appreciably reduce the harmful visual impact of the plant and screening.
9. In view of the above, the proposed development would have a harmful effect on the character and appearance of the surrounding area, in particular regard to the proposed first floor elements at the rear, the mansard roof, and the first floor privacy screen and plant. Therefore, the proposal would conflict with Core Policy 30 (CP30) of the Enfield Plan Core Strategy (November 2010) (ECS) and Policy D3 of the London Plan (March 2021) (LP) which require, amongst other matters, that development has regard to and/or enhances local context. Also, there would be conflict with Policy DMD37 of the Council's Development Management Document (November 2014) (DMD), which sets out that development that is inappropriate to its context, or which fails to have appropriate regard to its

surroundings, will be refused. Additionally, there would be conflict with Policy D4 of the LP, which sets out that development proposals should meet the design requirements of the London Plan.

10. While referred to in the Council's reasons for refusal, Policies DMD11 and DMD13 of the DMD are not directly of relevance to the appeal proposal, as they relate to residential extensions, including rear extensions and roof extensions respectively, rather than non-residential buildings, as proposed.

Living conditions

11. The proposed privacy screen and plant would be located at first floor level on top of the flat roof area at the rear of the proposed new building. By reason of the location and elevated position of these elements, particularly in regard to the extent of the proposed screening around the plant, it would appear anomalous and visually prominent from the rear windows of several surrounding residential properties and their rear garden areas.
12. While the existing single storey flat roof buildings within the appeal site are closer to neighbouring properties than the proposed plant and screening, due to the elevated first floor position and extent of screening, it would have much greater prominence than the existing buildings. The proposed tall privacy screen would be located close to neighbouring properties. It would extend parallel along most of the full width of the rear gardens of 6 and 7 Rosemary Avenue and also, the depth of the plot beyond the two storey elements of the new building, to almost the bottom of the appeal site and depth of the adjacent residential gardens of Nos 43 and 55.
13. This would create an unduly dominant and overbearing feature when viewed from the neighbouring residential properties and their rear gardens, harmful to the outlook of the occupants of such. The proposed set-in position of the privacy screen from the site boundaries would not appreciably reduce its prominence from neighbouring properties, due to its extent and height, particularly as neighbouring dwellings have relatively short and/or small sized rear gardens.
14. While there is some mature planting to one side of the appeal site, adjacent to No 55. From my site observations, including views from the garden of No 55, this mature overgrown planting area at the rear of a single garage, does not form part of the rear garden of No 55, nor is it within the appeal site. Therefore, it cannot be assured that this would be retained to provide any screening of the proposed development from No 55.
15. The appellant asserts that a condition could be imposed to set back the position of the proposed privacy screen from the rear of the flat roof. However, notwithstanding that interested parties have not had opportunity to fully consider such, there would still be a large area of plant and privacy screen at first floor level on the proposed flat roof, which would be visibly prominent from neighbouring dwellings. Therefore, this would not overcome the concerns I have identified with regard to the outlook of the occupants of neighbouring dwellings.
16. Policy DMD10 of the DMD requires certain distance separations between buildings to protect living conditions, including in regard to privacy and daylight/sunlight. Based on the evidence provided, the proposed distance separations between the rear elements of the proposal and the rear elevations of Nos 6, 7 and 8 would not achieve the required minimum distance separations set out in Policy DMD10. Therefore, without substantive evidence to the

contrary, the proposed development would conflict with such policy requirements, and harmfully effect the living conditions of these properties with regard to privacy and sunlight/daylight.

17. The proposed plans demonstrate that the upper floor of the new building would not obstruct a 30 degree line taken from the nearest windows in both the rear of Nos 43 and 55. However, despite that the appellant asserts No 43 is some 5 metres away from the nearest part of the privacy screen, the proposed first floor privacy screen would likely contravene the 30 degree lines from the nearest rear windows of No 43 and No 55. Therefore, without any significant evidence to the contrary, the proposed privacy screen would harmfully affect daylight and outlook of the occupants of these neighbouring properties.
18. Having regard to the above, the proposed privacy screen and plant would have a harmful effect on the living conditions of the occupiers of Nos 6, 7 and 8 and Nos 43 and 45, in regard to loss of privacy, sunlight and daylight and outlook. For such reasons, the proposal would conflict with Policies DMD10 and DMD11 of the DMD for failing to meet required standards set therein. Also, there would be conflict with Policy D3 of the LP, which requires, amongst other matters, that development delivers appropriate outlook, privacy, and amenity. Due to the conflict with Policy D3, the proposal would also conflict with Policy D4 of the LP, which sets out that the design requirements of the London Plan should be met.
19. Policy CP30 of the ECS and DMD 37 of the DMD were also referred to in the Council's reason for refusal, which require high quality development and, amongst other things, that development have regard to their context. However, as these policies do not refer to amenity and living conditions, I do not find direct conflict with them in regard to this main issue.

Other Matters

20. I acknowledge that the proposal would improve the existing RSPCA facility and provide some community benefits, due to the additional facilities that would be provided in the new building to support rescued cats in the Enfield area. However, such benefits would not outweigh the concerns I have found in relation to the effect of the proposal on the character and appearance of the surrounding area and the living conditions of occupants of neighbouring residential properties in this instance.
21. Matters related to noise disturbance, refuse, parking, and highway issues are not related to the main issues in this appeal. Therefore, that there would be acceptable mitigation, facilities, and provision in regard to such matters, has neutral weight in the consideration of the appeal proposal.

Conclusion

22. For the reasons given above, the proposal would conflict with the development plan as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
23. Accordingly, I conclude the appeal should be dismissed.

C Billings

INSPECTOR