



Appeal Decision

Site visit made on 25 March 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2025

Appeal Ref: APP/Q5300/D/24/3356985

339 Lincoln Road, Enfield EN3 4AD

- 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 J Azad against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/03005/HOU.
 - The development is described as "retrospective single storey rear extension - change in material of existing extension".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with change in materials to existing extension at 339 Lincoln Road, Enfield EN3 4AD in accordance with the terms of the application, Ref 24/03005/HOU, and the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos A24-69-01 – Existing and Proposed Plans and Elevations and A24-69-01a – Existing and Proposed Plans and Elevations.
 - 2) The extension hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 90 days of the date of failure to meet the following requirement set out below:
 - i) Within 6 months of the date of this decision, the external walls of the development hereby permitted that have not already been finished in the proposed materials shown on drawing nos A24-69-01 – Existing and Proposed Plans and Elevations and A24-69-01a – Existing and Proposed Plans and Elevations shall be finished in the proposed materials shown on the approved plans.

The development shall be carried out and completed in accordance with the approved plans and shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters

2. The description of development in the banner heading above is taken from the description that is provided on the application form. I have omitted wording in my formal decision that is not a description of development.

3. I noted at the site visit that a single storey extension has already been constructed to the rear of the property. It is clear from the plans and evidence that this is the structure referenced in the planning application, although not all elevations had been finished in render painted white as shown on the plans. I have dealt with the appeal on the basis that planning permission is being sought retrospectively for the construction of the extension.

Main Issue

4. The main issue is the effect of the extension on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook, daylight and sunlight.

Reasons

5. The appeal property is a two storey, terraced dwelling in a predominantly residential area. The extension has been constructed within the rear garden of the property, which is enclosed by timber fencing to both sides with its adjoining neighbours. Timber sheds are located to the rear boundary, beyond which is the blank gable wall of a neighbouring property and a shared pedestrian access to rear gardens.
6. The extension has been built off the rear wall of an existing single storey, flat roof offshoot. There are a variety of single storey extensions to the rear of the properties within the terrace. These include flat roof additions to the adjoining dwellings at Nos 337 and 341 Lincoln Road, which do not project as far from the rear elevation of the dwellings compared to the overall extent of the appeal proposal. I noted that there was a smaller lean-to offshoot to the rear of No 341 close to the boundary with the appeal property.
7. The officer report refers to impacts on the adjoining neighbours, and the reason for refusal specifically references No 341. The report also states that there is no extension to the rear of No 341, although I noted that a flat roof extension has been constructed to the rear of that property, which projects a similar depth to other flat roof additions in the terrace. I do not know the circumstances under which that and other extensions were constructed or their status with regard to planning permission.
8. The appellant's evidence indicates that the extension has replaced a previous structure in the same position. The plans show these to both be of the same scale and form, but the previous structure was a lighter weight construction featuring corrugated plastic roofing and cladding. The extension that has been constructed features UPVC glazed roofing and white painted render.
9. I note the reference to images indicating how long the previous structure had been in situ and the appellant's suggestion that it would have been lawful due to the passage of time. The evidence does not include reference to any lawful development certificate to that effect. However, whilst I have assessed the appeal proposal on its own merits, I have had regard to the previous structure in my assessment and the impact of the change in construction materials. This includes the possibility of greater impacts on the living conditions for the neighbouring properties over and above the effects of the structure that has been replaced.

10. Despite the overall extent of the combined projection from the rear wall of the dwelling alongside the flat roof offshoot, as well as the more solid materials compared to the previous structure, the development is a relatively modest addition to the property due to its overall footprint, scale and the shallow roof that is set lower than the flat roof extension that it extends from. The overall scale and roof design of the development reduce its effects on neighbouring properties given the layout of development to either side and relationship with window openings.
11. I observed that the smaller offshoot of No 341 does not have a window, although there is an opening close to the boundary with No 337 and a retractable awning is attached above that. The extension that has been constructed to the rear of No 341 and the position of openings within that, which are set away from the boundary, limits the impact on outlook to that property. The extent of new built form along the boundary is therefore relatively modest in this context. Although the change in materials compared to the previous structure creates a more solid built form on the boundaries, the development is not of such a scale or bulk overall to be a significantly overbearing addition, or that has a detrimental loss of outlook for either of the adjoining properties.
12. With regard to light, the officer report refers to the extension infringing on a 45-degree angle for both of the adjoining properties. It notes that it exceeds the recommended depth by 0.5m to No 337 and that property would be able to access daylight and sunlight. The Council appear to raise greater concern with the impact on No 341 and states there is also an overbearing impact for that property. However, for the reasons set out above in terms of there being no opening close to the boundary and the position of its existing extension, the effect of the proposal on daylight and sunlight to that property is also limited. I have not been provided with any technical assessment that demonstrates the impact of the proposal in this respect. However, in the context of the previous structure, and despite the change in materials that will likely have had some greater impact, I do not consider that the extension has resulted in a significant and harmful loss of daylight or sunlight to the occupiers of both properties.
13. I conclude that the development is not harmful to the living conditions of the occupants of neighbouring properties. Therefore, the development does not conflict with Policies D3, D4 and D5 of The London Plan, The Spatial Development Strategy for Greater London (2021) (the LP), Policy CP30 of The Enfield Plan Core Strategy 2010-2025 (the CS) and Policies DMD6, DMD8, DMD10 and DMD37 of the Improving Enfield Development Management Document (2014). Amongst other matters, these policies require new development to deliver appropriate outlook and amenity, good design, and provide and preserve amenity in terms of daylight, sunlight and outlook.
14. The reason for refusal also refers to Policies D6 and D8 of the LP and Policy CP4 of the CS. However, I do not find these to be determinative to the main issue as they relate more specifically to new housing development, housing renewal and the public realm.

Conditions

15. The Council's questionnaire suggests that conditions relating to the time for development to begin, matching materials and approved plans should be imposed. A time limit condition would not be enforceable given that the development is

retrospective. A condition specifying the plans is necessary in the interests of certainty. A condition requiring the materials for the extension to be carried out in accordance with the approved plans is necessary in the interests of the character and appearance of the property and the area.

Conclusion

16. For the above reasons, the proposal would comply with the development plan taken as a whole and material considerations do not indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be allowed.

N Armstrong

INSPECTOR