



Appeal Decision

Site visit made on 7 April 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th May 2025

Appeal Ref: APP/Q5300/D/24/3353661

4 Gardenia Road, Enfield EN1 2HZ

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Saleem Haider against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/02682/PRH.
 - The development proposed is described as 'construction of a single storey ground floor rear extension. Rear extension shall only extend by 3m beyond the current existing extension. This would create a cumulative depth of 5.5m beyond the original wall of the property. This would be acceptable as it is only 3m beyond the neighbouring ground floor habitable window. The new extension shall be a flat roof height of 3m and an eaves height of 2.85m. No work shall be done on the loft level, first floor level or front elevation of the property.'
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of 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) (GPDO) for construction of a single storey ground floor rear extension (Rear extension shall only extend by 3m beyond the current existing extension. This would create a cumulative depth of 5.5m beyond the original wall of the property. The new extension shall be a flat roof height of 3m and an eaves height of 2.85m) at 4 Gardenia Road, Enfield EN1 2HZ in accordance with the application Ref 24/02682/PRH, made on 7 August 2024, and the details submitted with it including Drawing Numbers PAA/060/24/01 Rev 01, PAA/060/24/05 Rev 01, PAA/060/24/07 Rev 01, PAA/060/24/09 Rev 01, PAA/060/24/11 Rev 01 and PAA/060/24/13 Rev 01 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2) of the GPDO.

Preliminary Matters

2. In the interests of clarity, the description of development in the decision is based on that contained in the application form. Parts of that description that are explanatory/do not refer to acts of development have been removed.
3. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), states that the enlargement of a dwellinghouse is permitted development subject to limitations and conditions.
4. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is

allowed by paragraph A.1(g), Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.

5. The provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraphs A.1 and A.3 of the GPDO are not matters of dispute between the main parties.
6. Where any occupier of any adjoining premises objects to the proposed development, Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of any adjoining premises.
7. Following the Council's notification of the proposed development, an objection was received from the occupiers of 2 Gardenia Road (No 2). No concerns were raised by the Council regarding the effect of the development on the living conditions of the occupiers of 6 Gardenia Road. From what I saw on site, there is no reason for me to disagree with this conclusion and the main issue has been defined on this basis.
8. The principle of the development is established by the GPDO, and the provisions therein do not require regard to be had to the development plan, although I have had regard to it as a material consideration.

Main Issue

9. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 2, with particular regard to sunlight and outlook.

Reasons

10. The appeal site (No 4) comprises a mid-terrace two-storey dwelling with a dormer roof extension to its rear. No 2 is an end of terrace dwelling that adjoins the appeal site and sits at the corner of Gardenia Road and Wellington Road. It has a single storey flat roof extension which is stepped in depth, containing full height dining room windows/patio doors nearest to the shared boundary. The main outlook for the occupiers of No 2 is across its own rear garden area. Whilst its garden is slightly smaller than other gardens within the terrace, its end position means that its outlook above the boundary fence towards Wellington Road is relatively open.
11. The proposal is for a rear extension that would extend 3 metres beyond the previously added rear extension that measures 2.5 metres deep. It would extend the full width of the rear elevation of No 4. The development would be slightly taller and more solid than the current pergola it would replace. It would also be taller than the close boarded fence that sits along the shared boundary, although it would sit alongside a relatively small length of this boundary overall.
12. The side wall of the proposed extension would be visible from the rear windows of No 4, albeit at oblique angles. Even so, the single storey-scale and limited projection of the extension would assist in ensuring that an acceptable level of outlook is maintained for the occupiers of No 2. For the same reasons, and taking into account the size of the windows, I am not persuaded that the occupiers of No 2 would experience any overshadowing or material loss of sunlight.

13. In coming to this view, I have had regard to the Council's concern that the proposed extension would infringe the 45-degree line taken from the nearest ground floor rear window at No 4. However, no diagram has been provided to demonstrate this and from the evidence available I consider it likely that any such incursion would be minimal. Whilst located away from the shared boundary, the proposed projection beyond the furthest extent of No 2's existing extension would also be limited.
14. I conclude that the proposed development would not result in an adverse effect on the living conditions of the occupiers of No 2, with particular regard to sunlight and outlook. Insofar as they are material considerations, the proposed development would therefore accord with the aims of Core Policy 30 of The Enfield Plan Core Strategy 2010-2025 (2010) and Policies DMD8 and DMD11 of the Improving Enfield Development Management Document (DPD) (2014) which require development to ensure there is no impact on the amenities of neighbouring properties and to maintain and improve the quality of the built environment.

Other Matter

15. As has already been set out, the GPDO limits the assessment of the proposal to its impact on the amenity of any adjoining premises. As such, matters relating to damage during construction, the hedgerow boundary, ownership and the party wall are not matters for my consideration in this appeal. Such issues are a private matter between the relevant parties.

Conditions

16. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority.
17. With regards to the details and plans submitted as part of the application, A.4 (b) requires a plan indicating the site and showing the proposed development and any existing enlargement of the original dwellinghouse to which the enlarged part will be joined. The submitted block plan does not appear to accurately depict the position of the proposed extension. Even so, the appellant has clarified that the submitted block plan, is intended as a supporting location diagram only, and is not the primary technical drawing used to determine projection distances or structural alignment. In this case, the scaled plans, when read in conjunction with the description are precise and unambiguous.
18. No further conditions are necessary.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted.

H Marriott

INSPECTOR