



Appeal Decision

Site visit made on 30 April 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/Q5300/W/24/3357843

Land rear of 1 Sedcote Road, Enfield EN3 4RQ

- 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 Bekim Kelmendi against the decision of the Council of the London Borough of Enfield.
 - The application ref is 24/03363/FUL.
 - The development proposed is the construction of a single-storey, one-bedroom dwelling at the land rear of 1 Sedcote Road, Enfield, EN3 4RQ.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 1b Sedcote Road, in regard to outlook and sunlight.

Reasons

3. The appeal site sits between 1a and 1b Sedcote Road, both two storey dwellings in a predominantly residential area. It is understood that the site as existing is used for ad hoc storage purposes. The proposal seeks to construct a single storey, one bedroom dwelling with access to be taken from Sedcote Road between the existing dwellings.
4. Policy DMD8 of the Development Management Document (DMD) (2014) states that new residential development, amongst other matters, must preserve amenity, including in terms of outlook and sunlight. Policy D3 of the London Plan (LP) (2021) seeks for developments to deliver appropriate outlook and amenity. Policy D6 of the LP specifically refers to the need for development to be designed in order to provide sufficient sunlight to surrounding housing to avoid overshadowing.
5. The front building line of the proposed dwelling would broadly align with the rear building line of no 1b. The boundary of the site runs alongside the side gable of no 1b which would leave little separation distance between the proposed dwelling and the shared boundary.
6. Given this close proximity, the outlook of the nearest windows at the rear, and the garden area immediately to the rear of no 1b, would be dominated by the presence of the dwelling, creating an unacceptable sense of enclosure. Even though the proposed dwelling would be limited to a single storey height, it would have its gable end facing the neighbouring site so that the full height of the dwelling would be experienced by the occupiers of no 1b to the detriment of their living conditions.

7. The impacts of the proposal would be worse noting that the dwelling would be due south of the neighbouring dwelling. For large proportions of the day, the dwelling would create an overshadowing impact to the rear garden and rear windows of no 1b which would exacerbate the detrimental impacts of the appeal proposal.
8. Based on the above, I conclude that the proposal would have a materially harmful impact on the living conditions of the occupiers of 1b Sedcote Road, in regard to outlook and sunlight. The proposal would therefore be contrary to Policy DMD8 of the DMD and Policies D3 and D6 of the LP. The reason for refusal also refers to Policy DMD11 of the DMD but this relates specifically to rear extensions. I therefore agree with the appellant that Policy DMD11 is not relevant to the appeal scheme before me.

Other Matters

9. Both parties have made reference to previously refused schemes for residential development on the site, including one which was upheld at appeal (APP/Q5300/W/24/3336715). I do not have full details of that case to enable me to find any comparisons to the appeal scheme before me. Nevertheless, having reviewed the Inspectors decision, it is clear that the main issue in that case related to the means of access to the proposed dwelling. The appellant has clarified that the entire site, including the front garden to no 1b is within their ownership thus providing access to the adopted highway. This matter is therefore no longer determinative to the appeal scheme before me.
10. The appellant's statement refers to the development enhancing the value of the land. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property and therefore I have given this matter very little weight in my decision. Nevertheless, there are social, environmental and economic benefits associated with the proposal, including a contribution towards the Council's housing delivery, the provision of a car free development in a sustainable location and the incorporation of solar panels. I have given these benefits moderate weight.
11. No concerns have been raised by the Council in respect to the impact on the character and appearance of the area, the standard of dwelling proposed against the required housing standards, the proposed access arrangements or the delineation of public and private spaces. Based on the evidence before me, I have no reason to reach a different judgement in relation to these matters. Nevertheless, a lack of harm in respect to these issues does not overcome the harm I have identified in respect to the main issue above.
12. I acknowledge the appellant's concerns over the Council's handling of the application and the pre-application procedures which were followed prior to the submission of the application. I am mindful that pre-application discussions are informal and not binding on any future decision that the Council make, once a proposal has been subject to the formal planning process. These are therefore not matters that I can consider under a Section 78 planning appeal and they do not alter my finding, in which I have had regard solely to the planning merits of the proposal.
13. At the time of the appeal submission, the Council's officer report was not available to view on the Council's website. Nevertheless, the appellant has had the opportunity to review and comment on this document through the appeal process.

Conclusion

14. The benefits of the proposal, including a modest housing delivery are not sufficient to outweigh the harm identified in respect to the living conditions of the occupiers of the neighbouring property. This brings the scheme into conflict with the development plan when read as a whole and material considerations do not indicate a decision otherwise than in accordance with it. I therefore conclude the appeal should be dismissed.

L Gardner

INSPECTOR