



Appeal Decision

Site visit made on 23 April 2025

by **Robert Naylor BSc (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 June 2025

Appeal Ref: APP/Q5300/C/23/3318333

78 Picketts Lock Lane, London N9 0AX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr. Erdal Ackca against an enforcement notice issued by the Council of the London Borough of Enfield.
- The notice was issued on 10 February 2023.
- The breach of planning control as alleged in the notice is: *Without planning permission, the unauthorised erection of a rear canopy (outlined in blue on the attached plan for identification purposes)¹ to the rear of the premises.*
- The requirements of the notice are to:
 - 5.1 Remove the rear canopy (outlined in blue on the attached plan for identification purposes)
 - 5.2 Remove the resulting waste materials from the Premises
- The period for compliance with the requirement is: *Two (2) calendar months after this Notice takes effect.*
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: The appeal is dismissed, and the enforcement notice is upheld subject to the corrections in the terms set out in the Formal Decision below.

Formal Decision

1. It is directed that the enforcement notice is corrected by:
 - The deletion of the description of the alleged breach of planning control at section 3 and the substitution with the following description:

“Without planning permission, the erection of a canopy (outlined in blue on the attached plan for identification purposes) to the rear of the premises.”
 - The deletion of reference to the superseded London Plan policies in section 4.2 of the reasons for issuing the notice.
 - The deletion of section 5.2 of the requirements and substitution with the following wording:

“Remove the resulting waste materials resulting from compliance with 5.1 above from the Premises.”
2. In correcting the enforcement notice I am satisfied that no injustice would be caused by doing so.

¹ References to the plan are to the details attached to the enforcement notice.

Preliminary Matters

3. The Council has erroneously referred to policies 7.4 and 7.6 of the London Plan 2016 which relate to local character and architecture in their reasons for issuing the notice. This plan has been superseded by the London Plan (LP), adopted March 2021 and thus policies 7.4 and 7.6 are out of date. In regard to this appeal the Council have clarified that they will rely solely on the Local Plan policies referenced in the reasons for the notice. I have taken these into account in my decision. Given that the Local Plan policies are consistent and seek to achieve a high quality design I do not consider any injustice has been caused to either party.
4. There has been a revised National Planning Policy Framework (the Framework) published by the Government since the enforcement notice was issued. However, it does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.
5. There is another appeal² at the adjoining property at 78A Picketts Lock made by a separate appellant against an enforcement notice served by the Council of the London Borough of Enfield. This appeal is similar in that it also relates to “*Without planning permission, the unauthorised erection of a rear canopy (outlined in blue on the attached plan for identification purposes) to the rear of the premises*” and is the subject of a separate decision.

Appeal on ground (a), the deemed planning application

Main Issue

6. Ground (a) is that planning permission should be granted for the matters alleged in the enforcement notice. The main issue therefore is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

Character and appearance

7. The appeal site is located within a finger of residential development sandwiched between Lee Valley leisure complex to the north of the site and a Thames Water sewage works to the south. The residential development provides a regular rhythm and pattern of more modern styled terrace houses with modest gardens set around cul-de-sacs with parking to the front. The terrace of which the appeal site forms, has been altered over time with the properties exhibiting single and two storey rear extensions³ and rear outbuildings with various material finishes providing a varied appearance.
8. The enforcement notice is directed against a canopy addition abutting the existing single storey rear extension. The canopy addition consists of a transparent corrugated plastic panelled roof and associated uPVC rainwater goods, supported by uPVC pillars. The structure provides cover over the amenity space for outdoor cooking, storage and utility functions with a sink and washing facilities. At the site visit I observed similar structures at the adjoining properties either side at Nos. 76 and 78A, the latter being subject to an enforcement notice and appeal also.

² PINS Ref: APP/Q5300/C/23/3318335

³ London Borough of Enfield Planning Refs: TP/05/1346; TP/06/0418; P14-00333PLA and 17/03175/FUL.

9. The depth of the canopy is not unusually large, and given it is open sided has a lightweight appearance. However, the canopy is attached to an existing single storey extension and extends the full width of the property. This arrangement provides additional bulk and mass at the ground floor level. The increase in development coupled with the provision of an existing brick built outbuilding to the rear of the garden, significantly reduces the availability of open amenity space within the modest garden at the rear.
10. The canopy sits proud of the existing rear elevation reducing the size of the modest garden at the host property, appearing out of proportion in relation to the host dwelling and the surroundings. As a result, the canopy causes harm to the character of the area and does not respond to the site's context in terms of layout, scale and appearance.
11. Furthermore, the choice of materials whilst lightweight are at odds with the surrounding materials. It is noted that the existing materiality is made up of more traditional solid elements such as brick and clay tiles. The use of transparent corrugated plastic panels and uPVC supports does not respond well to the distinctiveness of the area.
12. The terrace properties are arranged in a close pattern and have imposing boundary treatments which limit views of the modest sized gardens at the rear from the street scene. Whilst I acknowledge that views of the development are limited given the rear location, this does not preclude the need to achieve good design. Accordingly, the canopy has a negative impact on the appearance of the host property and the surrounding area, where smaller, traditionally designed extensions make up the prevailing character.
13. For these reasons, I conclude that the canopy is inappropriate in its context, failing to have appropriate regard to its surroundings and unacceptably harms the character and appearance of the area. Consequently, it is contrary to core policy 30 of the London Borough of Enfield Council Core Strategy, adopted November 2010 and policies DMD 11 and DMD 37 of the Enfield's Development Management Document, adopted November 2014. The development is also inconsistent with the Framework, as collectively these seek high quality design with no adverse visual impact, amongst other things.
14. The development is therefore unacceptable and the appeal on ground (a) fails.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with the corrections and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Robert Naylor

INSPECTOR