



Appeal Decision

Site visit made on 15 July 2025 by R Pankhurst

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Appeal Ref: APP/Q5300/D/25/3361195

72 Evesham Road, Southgate, Enfield, N11 2RN

- 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, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Gazmend Sufaj against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 25/00022/PRH.
 - The development proposed is 6 metre ground floor rear extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. The Council has not explicitly assessed whether the proposal complies with the conditions and limitations of Class A, however it does not dispute the appellant's evidence in this respect and from the evidence before me I have no reason to disagree.
4. Paragraph A.4(7) states that where any owner or occupier of any adjoining premises objects to the proposed development, the local planning authority is required to assess the impact of the proposal on the amenity of any adjoining premises. Paragraph A.4(9) requires that the representations made must be taken into account when considering this impact. An objection does not therefore lead to refusal of an application, rather it triggers the need for the impact on neighbouring amenity to be assessed.
5. The decision notice includes references to policies of the development plan. The principle of development is established through the grant of permission by the GPDO, and I am required to assess the proposal as a prior approval application as set out within the parameters of the GPDO. Regard can be given to development

plan policies insofar as they are material considerations; however, they are not in themselves determinative.

6. I am aware of the recent appeal decision (APP/Q5300/D/25/3359202) in respect of 72 Evesham Road. That proposal was for a single-storey rear extension under Class A of the GPDO, which would extend the full width of the rear elevation and project approximately 6 metres with a height of 3.3 metres. The proposal concerned in the current appeal is for the same width and depth but with a reduced height of 3 metres.

Main Issue

7. The main issue is, therefore, whether prior approval should be granted, considering its effect on the amenity of adjoining premises, with particular regard to outlook and light.

Reasons for the Recommendation

8. The appeal site comprises a two-storey end of terrace house with a single-storey rear extension that is about half the width of the rear elevation. There are noticeable ground level differences between the site and those of neighbouring properties, with 70 Evesham Road being at a higher level and 74 Evesham Road being at a lower level. The proposal would extend approximately the full width of the appeal property, stepping in slightly to follow the boundary, and would project further out than the existing rear extension.
9. No 74 has a single storey rear extension which extends across the full width of the property but does not project as far out as the existing rear extension of the appeal property. The outlook from the ground floor rear windows of No 74 is across its own rear garden. A broader outlook is available from the first floor windows, with views into the rear garden of adjoining neighbour 76 Evesham Road. The outlook towards the appeal site from the rear windows of No 74 and its garden is limited due to the change in ground levels and the existing extension, which is considerably taller than the boundary fence.
10. No 70 does not have a rear extension, and the existing outlook from the ground floor rear windows is across the garden and limited to one side by a single storey rear extension to the rear of 68 Evesham Road. The outlook from the first-floor windows of No 70 is broader, encompassing the properties at the rear and the gardens of both adjoining properties. The existing rear extension of the appeal property is visible from the rear garden of No 70 due to its height and depth, despite No 70 being on higher ground with a section of taller fence. However, as the existing extension is not right up against the boundary it currently has a limited impact on the outlook from No 70.
11. While the height of the proposal would be similar to the existing rear extension, the increased width and depth would make the proposed extension a large and prominent feature in the outlook from the rear ground floor windows and garden of No 70. Although No 70 is on higher ground, the extension would still be significantly taller than the shared boundary fence and closer than the current extension, so it would be clearly visible from that property. Furthermore, it would create a significantly greater sense of enclosure than currently exists especially given the restrictions already caused by the other adjoining neighbour's extension on the other side, which is of a similar height.

12. While I acknowledge that the proposal would not be right up against the boundary with No 74, it would be deeper than the existing extension and the side wall of the proposal would still be significantly taller than the boundary fence. The visual impact of the proposal would be exacerbated by the noticeable level differences between the appeal property and No 74, particularly when seen from the garden, which is at a lower level. As a result, a substantial proportion of the extension would be visible from the rear windows and garden of No 74. While the outlook from the rear of No 74 down the garden would remain, the scale of the proposal would mean that it would appear as a dominant and overbearing feature in the outlook from the rear windows, and from the garden. Consequently, the proposal would have an overbearing impact and result in an unacceptable loss of outlook for the occupiers of both Nos 70 and 74.
13. Given the orientation of the rear of Nos 70 and 74, their rear elevations and gardens are shaded by the terraced dwellings for much of the day. The existing rear extension on the appeal property shades part of the rear garden of No 74 in the morning but is unlikely to shade No 70 in the evening due to its distance from the boundary. The proposal would increase overshadowing of the gardens of both neighbours but only for a short time in the morning and evening respectively, given the level of shade already cast by existing dwellings. I acknowledge that the Inspector in the recent appeal decision for the taller extension found that the proposal would harm the amenity of the occupiers of Nos 70 and 74 in regard to light. However, this proposal would be lower, so would have less of an impact in this respect. Consequently, the reduction in light to Nos 70 and 74 would be limited and would not be sufficient to harm the amenity of the occupiers.
14. Accordingly, I find that while the proposal would not result in a harmful reduction in light to Nos 70 and 74, it would result in an unacceptable loss of outlook for the occupiers of both properties. Therefore, for the reasons above, the proposal would harm the amenity of the occupiers of Nos 70 and 74 with regard to outlook.

Other Matters

15. In their Appeal Statement the appellant refers to examples of extensions they consider comparable within the local context. However, the only information I have been provided with are aerial photographs. I do not know the context behind them or how they came to be built, such as whether they were allowed under the prior approval process and, if so, whether there were any objections such that amenity impacts could be considered. Whether they are now part of the character of the area is not a matter I can consider in this prior approval appeal, where amenity is the only prior approval matter.
16. The appellant has also drawn my attention to extensions and a change of use at 97 Evesham Road and a new dwelling with single-storey and two-storey rear projections at No 97A, which have now both been built. A 5 metre deep single-storey extension was approved at No 97, which is on lower ground than the adjoining neighbour No 95, which also has a rear extension. Therefore, the relationship between the two properties and the effect of the new extension in that case were different to the circumstances of this appeal. No 97A also has rear projections of similar depth to No 97, so would not have had a comparable impact on its neighbour to the current appeal proposal.

17. With regard to 97 Dartford Avenue, the rear extension proposed there would have added less than a metre to the depth of an existing rear extension. The Inspector in that case found that the proposal would be only slightly bulkier and marginally taller than the existing, with limited impacts on outlook and daylight to the neighbour. This is not comparable to this appeal which seeks to increase the width and projection of the existing rear extension by considerably more. For 39 Dawlish Avenue, the Inspector found that only the top part of the side wall of the proposal would project above the height of the existing timber fence, leading to the conclusion that there would not be a significant overbearing effect and no substantive change to light.
18. Therefore, none of these examples are comparable to the effects of the appeal proposal on Nos 70 and 74, and they carry very limited weight and do not justify granting prior approval.
19. The appellant contends that the proposal would rationalise existing extensions on the property and improve efficiency, and identifies support in the National Planning Policy Framework for sustainable development and the effective use of previously developed land. However, there is no provision in the prior approval procedure for Class A for balancing of other matters or for consideration of national and local policy. Therefore, these do not justify the harm I have identified.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that prior approval should not be granted, and that the appeal should be dismissed.

R Pankhurst

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and agree that in this case the proposal would harm the amenity of neighbouring occupiers for the reasons set out above.
22. I acknowledge that the proposal does not reach the maximum dimensions specified in the GPDO for such extensions, however this does not in itself mean that it is acceptable. Indeed, the fact that the GPDO requires amenity impacts to be assessed where an objection is received indicates recognition that extensions that meet the conditions and limitations of Class A can still result in unacceptable harm, depending on the circumstances of the particular proposal. Therefore, this does not justify the harm identified.
23. I therefore agree with the recommendation, and on that basis the appeal is dismissed.

L McKay

INSPECTOR