



Appeal Decision

Site visit made on 14 October 2025

by **A Caines BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/Q5300/W/25/3372168

82 Weir Hall Road, Edmonton, Enfield N18 1EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ibrahim Karafakioglu against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 25/00780/VAR.
 - The application sought planning permission for subdivision of site and erection of a single family dwelling house with vehicular access without complying with a condition attached to planning permission Ref 22/01607/FUL, dated 12 August 2022.
 - The condition in dispute is No 12 which states that: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any amending Order, no development in Part 1, Classes A, B, C, D and E shall be carried out and/or erected without the prior approval in writing of the Local Planning Authority.*
 - The reason given for the condition is: *To preserve the amenities of neighbouring occupiers at all times.*
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Decision

1. The appeal is allowed and planning permission is granted for subdivision of site and erection of a single family dwelling house with vehicular access at 82 Weir Hall Road, Edmonton, Enfield N18 1EN in accordance with the application Ref 25/00780/VAR, without compliance with condition No 12 previously imposed on planning permission Ref 22/01607/FUL, dated 12 August 2022, and subject to the conditions set out in the attached schedule.

Background

2. Planning permission was granted in August 2022 for the erection of a detached two-storey dwelling. As works have commenced within the prescribed period, the permission remains extant. Condition 12 of that permission removed permitted development rights under Classes A, B, C, D and E of Part 1 of the Town and Country Planning (General Permitted Development) Order (GPDO). The proposal seeks to vary that condition to reinstate permitted development rights under Classes B and C only, which relate to alterations to the roof.

Main Issue

3. The main issue is the effect of the variation of Condition 12, to allow development under Classes B and C, on the character and appearance of the area and the living conditions of neighbouring occupiers.

Reasons

4. The approved dwelling is an infill development with a design that closely reflects the neighbouring dwelling at 84A Weir Hall Road. The surrounding area is characterised predominantly by semi-detached and terraced houses of similar age and materials. However, there are numerous examples of roof alterations visible in the street scene and wider locality.
5. Although the Council's decision notice refers to harm to residential amenity, the officer's report focuses primarily on the potential impact on the character and appearance of the area. The concern is that the reinstatement of roof-related permitted development rights could lead to future alterations that would be visually harmful.
6. Paragraph 55 of the National Planning Policy Framework advises against the use of planning conditions to restrict permitted development rights unless there is clear justification to do so. Such conditions should only be imposed where they are necessary, relevant to planning, and reasonable in all other respects.
7. In this case, the site is not located within a conservation area or subject to any other sensitive heritage or landscape designation. Roof extensions and alterations, including rear dormers and rooflights, are already evident in the locality. The dwelling will be set back from the road and positioned between existing residential properties. Any future roof alterations carried out under Classes B and C would be subject to the limitations and conditions of the GPDO, including those relating to height, materials, and the positioning of windows. These controls are intended to safeguard both visual amenity and the privacy of neighbouring occupiers. Moreover, the presence of upper floor windows already results in a degree of mutual overlooking, which is typical in compact residential settings. In this context, I am not persuaded that the reinstatement of these specific permitted development rights would inevitably result in unacceptable harm to the character and appearance of the locality or to the living conditions of neighbouring occupiers.
8. I therefore find that the variation of Condition 12 to allow development under Classes B and C of Part 1 of the GPDO would not conflict with Policies DMD 8 and DMD 13 of the Enfield Development Management Document (2014), Core Policy 30 of the Enfield Core Strategy (2010), or Policy D3 of the London Plan (2021). Collectively, these policies seek to ensure that development respects the character of the surrounding area and does not harm the living conditions of neighbouring occupiers.
9. For completeness, the continued removal of permitted development rights under Classes A, D and E remains reasonable, given the constrained size and shape of the site and the need to safeguard garden and parking space. I shall therefore substitute Condition 12 with a revised condition that reflects this position.

Conditions

10. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under S73 of the Town and Country Planning Act 1990 should restate the conditions imposed on earlier permissions that continue to have effect.
11. I have therefore reimposed the conditions from the original permission, with the exception of Condition 12, which is varied to remove reference to Classes B and C.

A minor alteration to the wording of Condition 13 is also necessary to avoid conflict with the revised Condition 12. Where any conditions have already been discharged, that is a matter for the parties to address.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed and planning permission granted without compliance with Condition 12 of planning permission Ref 22/01607/FUL, dated 12 August 2022, but subject to the other conditions as set out in the schedule below.

A Caines

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 12 August 2025.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents: 211109-B1; 211109-D2; 211109-D3; 211109-D4; 211109-D5; 211109-D6; 211109-D7.
- 3) No development above existing ground level shall commence until details and specifications of the external finishing materials to be used have been submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) Prior to occupation of the unit, details of the specifications of the secure and covered cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied.
- 5) Prior to the occupation of the unit, details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the Enfield Councils Waste and Recycling Planning Storage Guidance, available at <https://new.enfield.gov.uk/services/planning/waste-and-recycling-storage-planning-guidanceplanning.pdf> shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.
- 6) Prior to above ground works, a SuDS Strategy including the following elements, shall be submitted to the Local Planning Authority, and agreed in writing. The SuDS Strategy shall include:
 - Details of flow attenuation;
 - Source Control measures;
 - Compliance with the London Plan Drainage Hierarchy including infiltration and above ground storage in the landscaped features;
 - Source control SuDS measures for all the hard standing and roof run off;

- Evidence that the site is to be discharged as close to greenfield runoff rates as possible for the 1 in 1 year and 1 in 100 year (plus climate change);
- Evidence that RWPs will be discharged on the surface of source control SuDS feature rather than into the sub-base;
- Cross sections, sizes and specifications of the proposed SuDS features must be provided;
- Overland flow routes for exceedance events including spot levels must be submitted; and
- The Management Plan for future maintenance must be submitted.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

- 7) The site shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved detail before the development is occupied.
- 8) Prior to first occupation, details of the internal consumption of potable water shall have been submitted to and approved in writing by the Local Planning Authority. Submitted details must demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day for the residential uses. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.
- 9) The development shall be implemented in accordance with an 'Energy Statement' to be submitted to and approved in writing by the Local Planning Authority. Submitted details must demonstrate the energy efficiency of the development and shall provide for no less than a 35% improvement in the total CO2 emissions arising from the operation of the development and its services over Part L of Building Regs 2013. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.
- 10) Following practical completion of works a final Energy Performance Certificate shall be submitted to and approved in writing by the Local Planning Authority. Where applicable, a Display Energy Certificate shall be submitted within 18 months following first occupation.
- 11) (A) No above ground development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; gates to access; hard surfacing materials; minor artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works.

(B) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all trees, shrubs, hedges, grasses etc, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).

(C) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

(D) All tree planting included within the approved specification shall be carried out in accordance with that specification and in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989 and BS 8547:2014, Code of practice for general landscape operations (excluding hard surfaces).

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development within Classes A, D and E of Part 1 of Schedule 2 of the Order shall be carried out and/or erected without the prior written approval of the Local Planning Authority.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no external windows or doors shall be installed in the development hereby approved other than those shown on the approved drawings, or as may otherwise be permitted under Classes B and C of Part 1 of Schedule 2 of the Order, without the prior written approval of the Local Planning Authority.