

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 29th November 2016

Report of
Assistant Director, Planning,
Highways & Transportation

Contact Officer:
Andy Higham
Sharon Davidson
Mrs Jennie Rebaire

Ward:
Southgate

Ref: 16/02878/HOU

Category: Householder

LOCATION: 81 The Vale, London, N14 6AT,

PROPOSAL: Single storey rear/side extension and installation of bay window to front.

Applicant Name & Address:
Mr Theo Georgiou
81 The Vale
N14 6AT
United Kingdom

Agent Name & Address:
Mrs Carle Scott Gerber
120C Marlborough Road
London
N22 8NN

RECOMMENDATION:

Planning permission be **granted** subject to conditions

Note for Members:

Note for Members

Although an application of this nature would normally be determined under delegated authority, the application is reported to Planning Committee in the interests of an open and transparent process following the revoking of the planning permission granted under ref: 16/02878/HOU. The revocation was a result of a concession that objections received by the Council were not reported and that there were technical inaccuracies in the approved plans.

1. Site and Surroundings

- 1.1 The application site is a semi-detached single family dwelling house situated on The Vale, which is a predominately residential area.
- 1.2 The surrounding area is made up of similar size and style properties a number of which have extended to the side and rear.
- 1.3 An existing garage can be seen to the side of the application site and a single storey extension to the rear. The adjoining property No. 83 The Vale has extended to the side boundary at ground and first floor level and a ground floor extension to the rear.
- 1.4 The adjoining half of the semi-detached pair; No. 79 The Vale, has been extended to the side and rear.

2. Proposal

- 2.1 The application proposes a single storey side and rear extension.
- 2.2 The proposed side extension replaces the existing side garage and infills the area to the rear of the garage / side of the house and would project 2.5 metres beyond the rear of the original house. A flat roof over is proposed at a height of 3 metres with parapet to the side and front at a height of 3.2 metres.

3. Relevant Planning History

- 3.1 LDC/94/0014 – Single storey rear extension – Granted May 1994
- 3.2 15/01870/HOU - Conversion of garage into habitable room involving alterations to front elevation, single storey infill extension at rear and part first floor side extension, extension to roof at side to form gable end with rear dormer and 3x front roof lights – Refused July 2015 – Dismissed on appeal

It is noted that the reasons for refusal on this application did not include the single storey element which was assessed as being acceptable. The Inspector made note in his decision that “Despite abutting the boundary, the projection of the single storey infill extension beyond the main rear wall of the neighbouring dwelling would be fairly modest. Together with its relatively limited height this would prevent any adverse impact in relation to the adjacent rear ground floor window with regard to matters such as light or outlook”

A copy of the appeal decision is appended to this report.

- 3.3 16/00287/CEA - Single storey side extension and hip to gable roof extension with rear dormer and front roof lights – Granted February 2016
- 3.4 16/02878/HOU - Single storey rear/side extension and installation of bay window to front – Granted subject to conditions August 2016 – Permission Revoked November 2016

4. Consultation

4.1 Public

The 21 day public consultation period started on the 11th October and concluded on the 1st November.

- 4.2 A letter of objection from Mr Andrews of 83 The Vale was received on 23rd October 2016. A further letter of objection was received from Kingsley-Smith Solicitors on 10th November 2016 after the end of the consultation period and has been assessed.

In addition, the three letters of objection that were received in connection with the earlier application Ref: 16/02878/HOU have also been taken into account.. Accordingly, all objections forming part of this application, as well as those submitted with the previous application Ref: 16/02878/HOU are summarised below. For the purpose of clarity, the officer's response to each objection is also set out below:-

1. Drawings submitted do not show adjoining property No. 83 The Vale. The drawings do not show the full footprint of No. 83 The Vale which has an existing rear extension set off the boundary.

Officer response:- It is not a requirement that plans show the extent of adjoining properties. The plans submitted together with the site visit are sufficient to enable a full assessment of the planning application. .

2. The Vale is in the main a street of semi-detached 1930's houses with some detached properties that is part of the Oakwood Park estate. This planning application proposes terracing on to No. 83 by means of converting an illegally built structure to living accommodation and I believe this contradicts DMD 6. In my own case the only reason our houses appear joined is that our neighbour's "garage" has been built over a right of way that still shows in the Land Registry.

Officer response:- There is no planning history appointment for the existing garage nor is there any record of any planning enforcement action. The garage has though existed for more than 4 years and is therefore lawful and immune from any possible enforcement action. Matters relating to rights of way cannot be given weight when determining a planning application and remain a matter to be resolved by the Applicant, Due to the existing extension at No 83 which itself is built up to the common boundary, the existing garage at No.81 The Vale is also built on the boundary resulting in no separation between the properties at ground floor level. However, the extension would

replace the existing garage and thus, would not alter the spatial relationship of the property within the street scene i.e. there would be no loss of separation between the properties nor would the underlying rhythm of the built form be altered. The current planning application contains no first floor element. Consequently, the separation at first floor remains as existing and, maintains the appearance of semi-detached dwellings. A variety of extensions including single storey and 2-storey extensions to the side of properties can be seen within the vicinity which are of a similar size as the proposed. The proposed extension would not therefore constitute an alien or incongruous feature within the street scene..

3. The enlargements that can be carried out pursuant to GPDO 2015 were deliberately constructed in terms that do not allow enlargements other than beyond the original rear/side walls. But this is what is proposed and it is considered to be overdevelopment that fails to adhere to the established pattern that can clearly be seen from a glance at Google Earth imaging as the vast majority of the houses in the area continue to respect the original grain which is distinctive, lending integrity to the built environment locally”.

Officer response:- The GPDO allows for extensions to the side and rear (up to 3 metres in depth from the rear of the original house). Whilst it is recognised that the extension proposed projects to the rear of the side extension, policy does not preclude this but seeks to ensure extensions do not harm the amenities of neighbouring residential properties. IN this regard. Policy DMD 11 allows an extension of 3 metres in depth on the boundary of an adjacent property, This is considered a reasonable depth and would not be considered an overdevelopment. The proposed extension would in fact project 2.5 metres beyond the original rear wall. A number of rear and side extensions can be seen within the immediate vicinity which form part of the established pattern of development and the proposed extension would not be out of character.

4. “The current “garage” structure is not a dwelling, but this application proposes rebuilding this structure as living accommodation and extending down the side of No. 83 which will infringe on privacy and potentially create noise nuisance, which would be unexpected in a neighbourhood of semi-detached houses”.

Officer response:- Under current permitted development rules, it is possible to convert the garage into ancillary habitable accommodation with the need for planning permission. The proposed extensions are to be used as additional living accommodation ancillary to the existing dwelling. The adjoining property No. 83 The Vale has existing living accommodation in their side extensions and the proposal would mean the respective habitable accommodation would be adjacent . However, the proposed extension has to comply with building regulations which addresses construction and it is not considered that the use of the side extension as additional living

accommodation should create an unacceptable level of noise or disturbance in an already established residential area.

5. If planning permission is approved for the proposed side extension, this will overshadow No. 83, in particular infringing on the rear aspect of the property and view and light into the house.

Officer response:- The projection of the side and rear extension beyond the wall of the neighbouring dwelling would at 2.5 metres, be fairly modest. Together with its relatively limited height this would prevent any adverse impact in relation to the adjacent rear ground floor window with regard to matters such as light or outlook. This assessment is consistent with the conclusions of the Inspector on an earlier appeal when assessing the same relationship.,

6. The proposed side extension would have a significant negative impact creating a tunnelling effect on the back of No. 83 The Vale.

Office response:- It is noted that No 83 has an existing single storey rear extension to the rear of the main house and, which is set off the application boundary. A kitchen window can also be seen in the rear elevation of the side addition at No. 83 The Vale. This window would be recessed between existing rear extension and that now proposed under this application. The proposed extension whilst on the boundary is of a modest size compliant with adopted policy and is not considered to create a tunnelling effect with any detrimental effect on residential amenity.

7. The plans submitted are inaccurate as they include a drawing of 79 The Vale, but only a partial representation of No. 83 which is the primary property affected by the development. The plans submitted omit my utility room.

Officer response:- It is not a requirement that plans show the extent of adjoining properties. The plans submitted are sufficient to enable the Council to fully assess the planning application. It should be noted that a site visit was undertaken by the case officer on 10th November 2016 and the full footprint of No. 83 was noted, as well as positioning of appropriate windows.

8. The planning department seem to have accepted that our right to light has not been compromised using the 45 degree rule based on a line drawing of the end of 81 The Vale's proposed rear extension.

Officer response:- The Councils own measurements show that whilst a 45 degree line when taken from the mid-point of the ground floor rear extension is indeed very close, it does not cross the proposed extension. In assessing potential impact on amenities of adjoining properties a 45 degree line is just one consideration of the decision making process and should not be looked at in isolation and in many situations policy supports the principle of a 3 metre deep single storey rear extension in exceeds of a 45 degree line.

9. Permission should not be given which results in the creation of a continuous facade of properties or terracing effect which is out of character with the locality. The minimum distance to the boundary should be 1 metre.

Officer response:- The proposed works are ground floor level only. There is no closing of the visual gap at first floor level. Although the policy makes no distinction between ground and first floor extensions and accepts that terracing could occur in some circumstances where there is only a single storey extension, it is considered the presence of the existing garage negates any impact on the street scene

10. The minimum distance from the boundary should be one metre. My own house is not on the true boundary as a right of way has been covered up. I attach a copy from the Land Registry confirming that 81 The Vale has a benefit of a right of way.

Officer response:- Rights of way and land ownership are not a planning consideration. A gap has not been maintained at ground level. However, a distance of over 2 metres is maintained at upper level which maintains the appearance of the properties as semi-detached properties and the gap at upper level emphasises that a continuous facade is not created.

11. The proposed application contradicts the pattern of the street scene and the plans submitted are not in my opinion of high-quality or of good design. The new front bay window is considered to be an incongruous feature in the street scene that will do nothing to enhance the local character. It will unbalance the symmetry of the pair as exists; it will appear incongruous in the street scene as there are no semi with 2 front bay windows.

Officer response:- The plans contain sufficient detail to enable a full and proper assessment of the proposal. While it is not the role of planning to impose architectural styles on development, it does have the power to refuse poor design which is detrimental to the appearance and character of the area. Side extensions and bay windows are not uncommon or alien features in the street scene and it is considered that the development is in keeping with the existing pattern of development. A number of properties within the vicinity have been extended to the side and incorporate front bay windows which are in keeping with the established street scene, the most obvious being No. 85 The Vale.

12. Precedents set by Enfield Council of refusal of planning permission for similar development. Looking at a number of planning decisions that appear relevant as the applications were for single storey side extensions.

Officer response:- Within the list given, a number of reference numbers are wrong. However, those that can be identified are much deeper on the boundary. Furthermore some are being corner plots where different

considerations can apply. Each application received is assessed on its individual merits and site circumstances and it is not considered that any of the examples given would be looked at as resembling a similar development to what is proposed within this application.

13. Quote from application 15/00415/HOU in particular which summarises the common reasons similar plans were rejected. "The proposed development by virtue of its excessive depth along the common boundary with 15 Rayleigh Road would result in an overly dominant and obtrusive form of development that would give rise to conditions through a loss of outlook and heightened sense of enclosure that would be prejudicial to the residential amenities enjoyed by 15 Rayleigh Road to the south of the subject site contrary to CP30 of the Core Strategy, DMD11 and DMD37 of the Development Management Document".

Officer response:- It should be noted that the rear extension forming part of this application had a depth on the boundary with No. 15 of 5 metres which is well in excess of the proposed extension at No. 81 The Vale. It should also be noted that a subsequent application was submitted and approved for a reduced extension at a depth of 3.5 metres, which again is well in excess of the proposed extension at 81 The Vale. It is felt this case does not set a precedent that has relevance to the case now under consideration.

14. I am told by an expert that I employed that any terracing of my house as proposed by this application will reduce the value of my property substantially leaving my neighbours and possibly Enfield Council liable for significant compensation claims.

Officer response:- The effect on property value is not a material planning consideration and cannot be taken into account in determining this planning application.

- 4.2.1 Copies of objection letters are attached for information.

4.3 Internal

None

4.4 External

None

5. Relevant Policy

5.1 Development Management Document

DMD11	Rear extensions
DMD14	Side extensions
DMD37	Achieving High Quality and Design-Led Development

5.2 Core Strategy

CP30 Maintaining and improving the quality of the built and open environment

5.3 London Plan (2015) (including REMA)

Policy 7.6 Architecture

5.4 Other Relevant Policy

National Planning Policy Framework
National Planning Practice Guidance

6. **Analysis**

6.1 The main issues for consideration regarding this application are as follows:

- Design and Impact on the Character of the Surrounding Area;
- Neighbouring Amenity;

6.2 Scale, Design, Character and Impact on the Surrounding area

6.2.1 Policy DMD14 aims to resist overly dominant extensions. Side extensions will be assessed having regard to the character of the local area and the bulk/dominance of the structure along the street frontage and its subordination in relation to the original dwelling. Uniformity in architectural treatments such as roof lines, and the rhythm of building widths are important to maintain a continuity of character across parts of Enfield.

6.3.2 The proposed side extension has a width infilling an area to the side of the existing dwelling up to the side boundary with a front parapet wall at a height of 3.2 metres. A bay window is proposed in the front elevation which reflects the size and design of that to the existing dwelling.

6.3.3 Looking at the established pattern of development it is noted that side and rear extensions as well as garage conversions are common features within The Vale. A number of properties have the benefit of side extensions which in some cases contain bay windows.

6.3.4 While it is not the role of planning to impose architectural styles on development, it does have the power to refuse poor design which is detrimental to the appearance and character of the area. Side extensions and bay windows are not uncommon or alien features in the street scene and it is considered that the development is in keeping with the existing pattern of development

6.3.5 The proposed side and rear extension is considered to be of an appropriate size, siting and design and would not appear as a bulky or incongruous feature in the street scene. Consequently, the proposals is considered to be consistent with Policies DMD37 and DMD11 as well as Local Plan Policy CP30.

6.3.6 Policy DMD14 seeks to ensure that extensions do not assist in the creation of a continuous façade of properties or 'terracing effect' which is out of character with the locality. A minimum of 1 metre from the boundary with adjoining property should be maintained. This is a concern raised by the neighbour.

6.3.7 DMD14 makes no mention of whether the 1 meter separation should be maintained at ground or first floor level, only that a continuous façade should not be created. However, most terracing is caused by the infilling of space at first floor level. In this case, the existing first floor separation is maintained. At ground floor the proposed extension replaces an existing garage and thus, it is contended the spatial relationship is unaffected

6.4 Impact on Neighbouring Amenity

6.4.1 Policy DMD11 seeks to ensure that residential extensions do not prejudice the amenities enjoyed by occupiers of adjoining residential properties. These policies state that an extension to a terraced or semi-detached property should not normally exceed 3m in depth in order to minimise the impact in terms of loss of light and outlook and to prevent new developments becoming overly dominant. Extensions of a greater depth may be accepted depending on site circumstances.

6.4.2 After undertaking a site visit, a 45 degree line taken from the midpoint of the nearest ground floor window of No. 83 would not be breached by the proposed extension.

6.4.3 The proposed side/rear extension replaces the garage and infill's the space to the behind this structure use. Sited on the common boundary, it would project beyond the rear of No 81 by 2.5 metres. Due to the set back of the extension at No 83, the depth of project is less than this and meets the 45 degree line taken from the mid-point of the nearest window. Taking into account Policy DMD 11 together with the height of the extension, it is considered the proposed depth would not cause harm to the amenities of the neighbouring property in terms of loss of light or outlook.

6.4.4 The adjoining property No. 83 The Vale has an existing rear extension built beyond the rear wall of the original house. A window, which is within the rear elevation of the side extension at No. 83, is set back from that extension and the occupiers of No. 83 have expressed concern about the impact of the proposed extension on this window by the creation of a tunnelling effect. The impact of their own extension on that window has been accepted by the occupiers of No. 83 and due to the modest size of the proposed extension at No. 81 The Vale it is not considered that the proposed extension would have an overbearing impact or create a sense of enclosure to that property. It is not felt the proposed extension is contrary to Policy DMD11 in this regard.

6.4.5 The proposed extension would not project beyond the existing single storey rear extension and as such it would not be visible or have an impact on the amenities of the adjoining pair No. 79 The Vale. It is considered it complies with Policy DMD11.

6.4.6 The side and rear extension is proposed for use as additional living accommodation ancillary to the existing dwelling. It is acknowledged that the extension abuts the adjoining neighbouring extension, which is also used as living accommodation. The relationship is not uncommon and there is no

reason why subject to compliance with building regulations, that this should give rise to any concern sufficient to warrant refusal of the application.

7. Conclusion

- 7.1 Whilst the concerns of the neighbours have been noted and fully assessed, it is considered the proposed single storey side and rear extension would not have an unacceptable impact on the amenities of the adjoining occupiers or the surrounding area. Moreover, it is felt the extension is of an appropriate design and would be in keeping with the character of the existing dwelling and surrounding area. As a result, it is considered the proposal complies with Local Plan Policy CP30 as well as DMD Policies DMD11, DMD14 and DMD37.

8. Recommendation

- 8.1 That planning permission be GRANTED subject to conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The external finishing materials shall match those used in the construction of the existing building and/or areas of hard surfacing.

Reason: To ensure a satisfactory appearance.

4. The extension shall not be occupied at any time other than for the purpose of accommodation ancillary to the occupation of the existing dwelling.

Reason: To ensure that the development complies with adopted standards and is in character with the existing form of development in the locality.

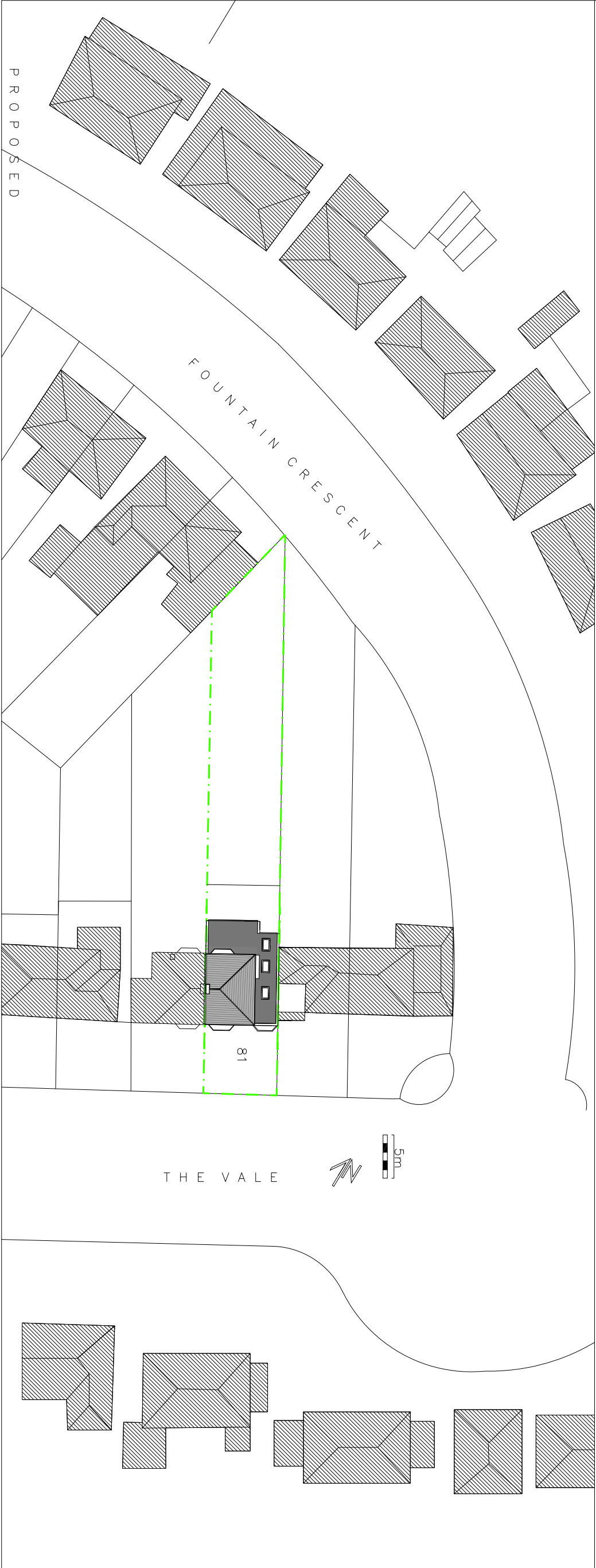
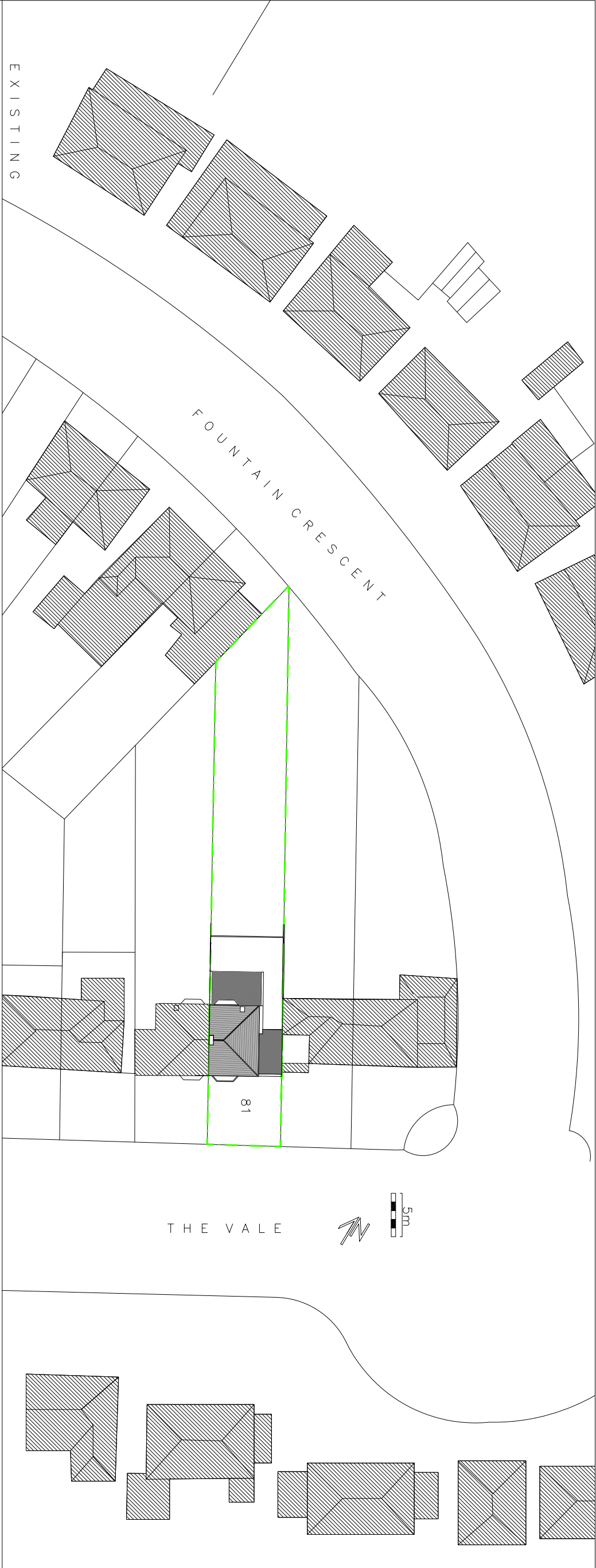
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

Informative

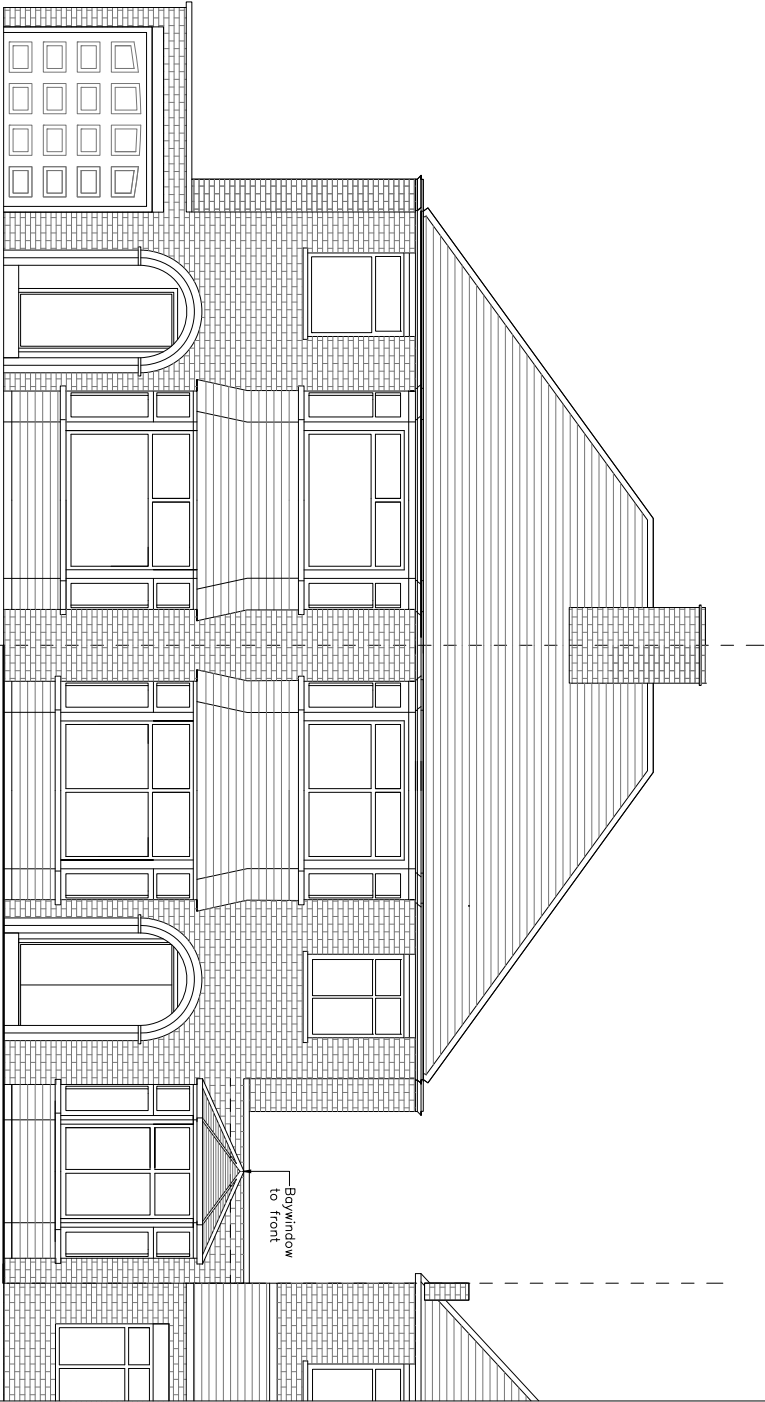
Notwithstanding the nature of the certificate which accompanied your application, this decision notice is issued on the understanding that no gutters, footings or any other part of the development extends beyond the curtilage of the application premises, unless the prior agreement of the adjoining owner/occupier has been obtained.

Disclaimer:
Drawing to be read in conjunction with all the relevant information.
All written dimensions to be checked on site before construction. Dimensions shown on drawings where identified, must be reported to the architect immediately.
This drawing is the property of LIFE-UJ DESIGN and must not be reproduced or disclosed to any unauthorised person either wholly or in part without written consent.



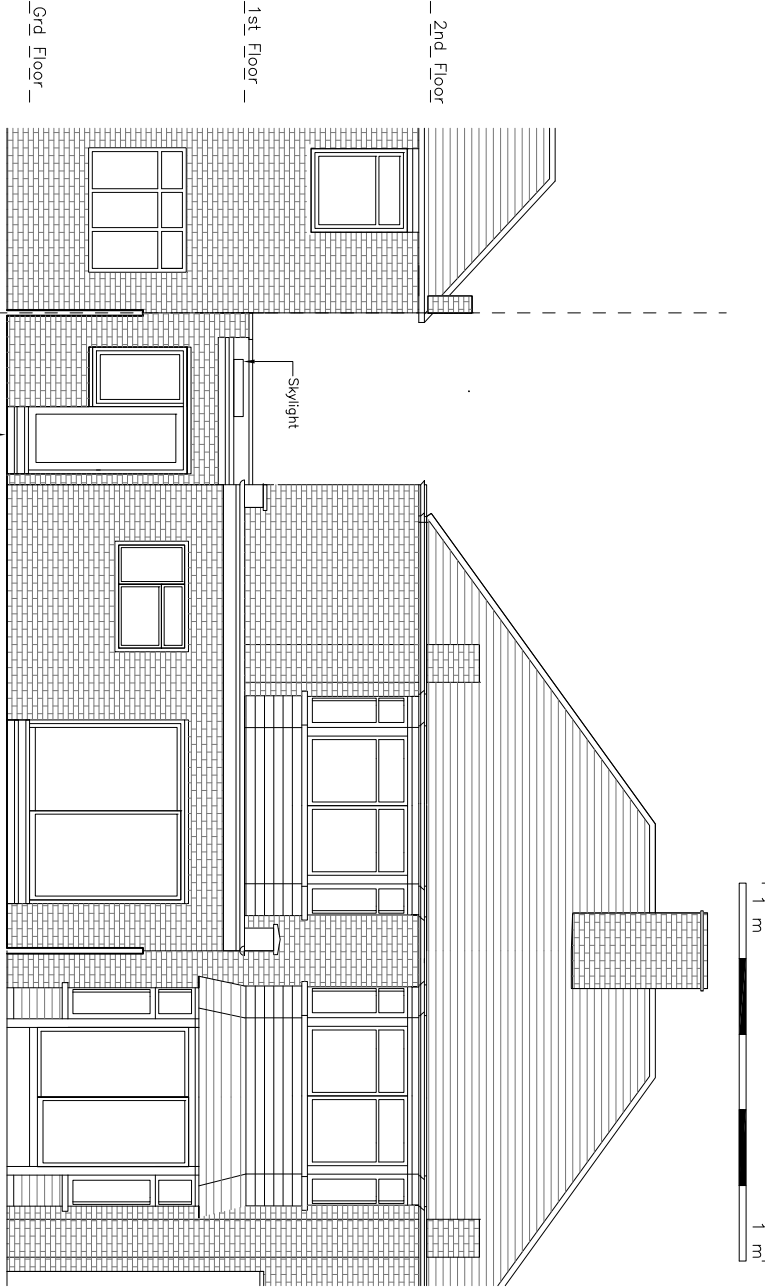
REV DATE DESCRIPTION OK'D		
LIFE DESIGN		
W/ life-ujdesign.com E. carle@life-ujdesign.com T. +44 (0) 207073898 M. +44 (0) 7766743415		
CLIENT		
MR & MRS GEORGIU		
PROJECT		
REAR & SIDE EXTENSION TO 81 THE VALE		
SCALE	DATE	
1:500@A3	2016.10.10	
DRAWN	CHK'D	
DRAWING TITLE		
EXISTING & PROPOSED ROOF & SITE PLANS		
PROJECT NO.	DRAWING NO.	REV.
15005/03	PL100	

Disclaimer:
Drawing to be read in conjunction with all the relevant information.
All written dimensions to be checked on site before construction. Dimensions shown on drawings where identified, must be reported to the architect immediately.
This drawing is the property of LIFE-UJ DESIGN and must not be reproduced or disclosed to any unauthorised person either wholly or in part without written consent.



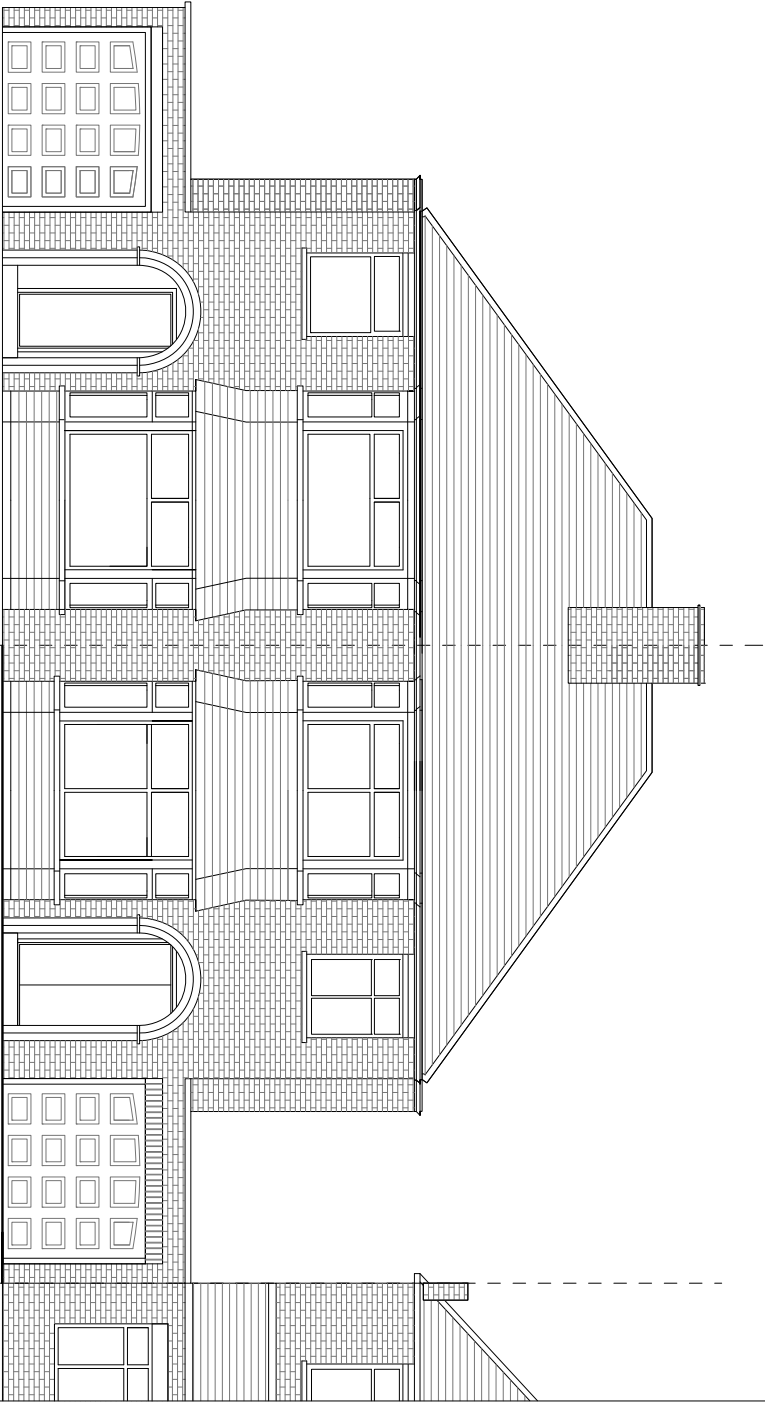
F R O N T

P R O P O S E D



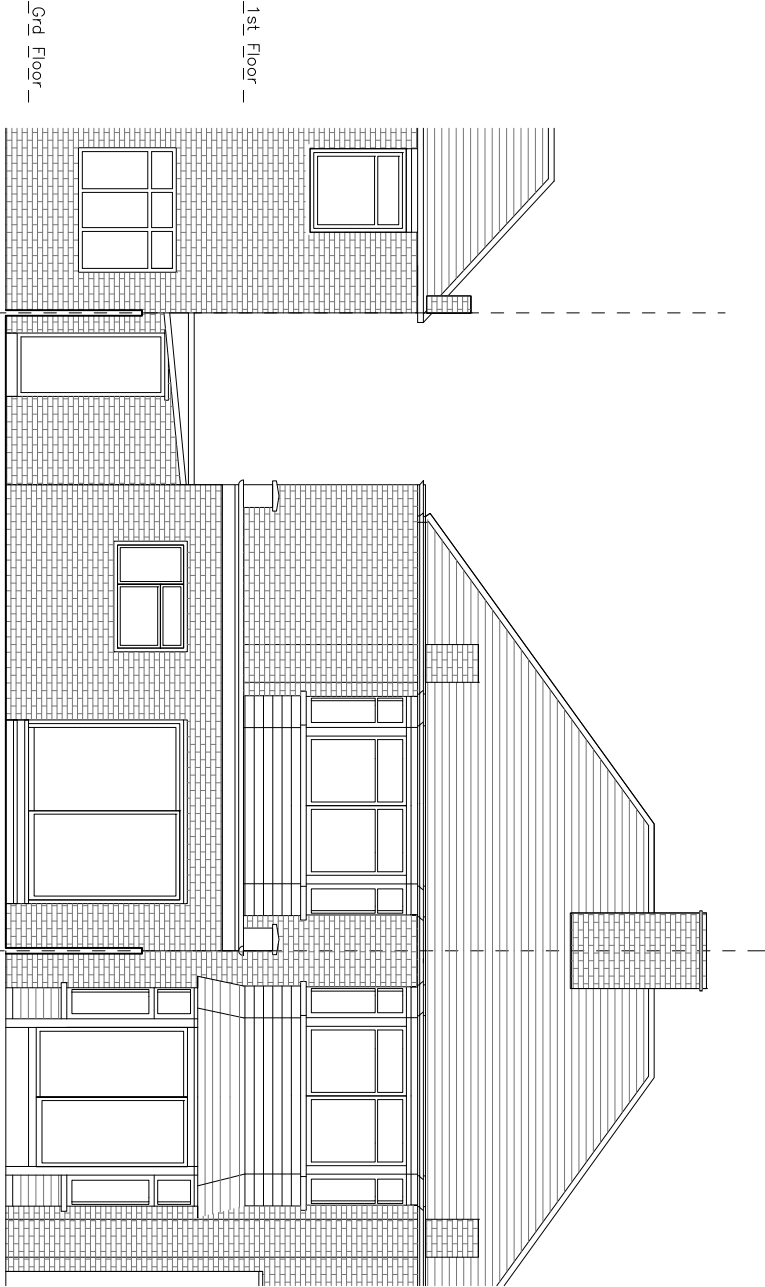
R E A R

Rear infill extended with matching brick, window and door frames to match existing. Parapet wall extended to match existing.

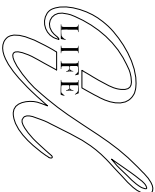
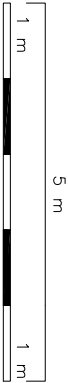


F R O N T

E X I S T I N G



R E A R



W/ life-uj-design.com
E/ carle@life-uj-design.com
T/ +44 (0) 2070973898
M/ +44 (0) 7766743415

CLIENT

MR & MRS GEORGIU

PROJECT

REAR & SIDE
EXTENSION TO
81 THE VALE

SCALE 1:100@A3 DATE 2016.10.10

DRAWN CHK'D

DRAWING TITLE

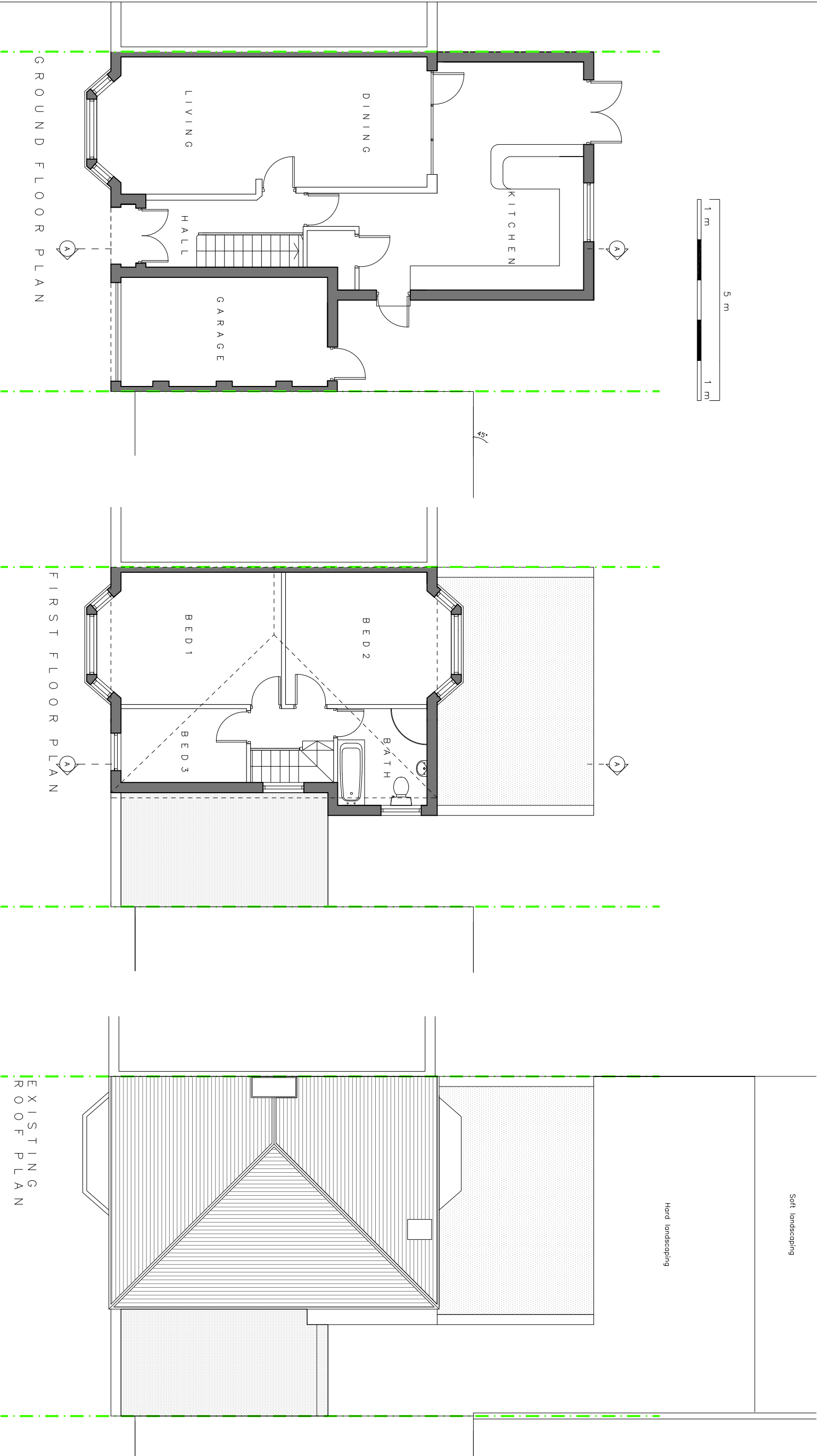
EXISTING AND PROPOSED
ELEVATIONS

PROJECT NO. 15005/03

DRAWING NO. PL103

REV

Disclaimer:
Drawing to be read in conjunction with all the relevant information.
All written dimensions to be checked on site before construction. Dimensions shown on drawings where identified, must be reported to the architect immediately.
This drawing is the property of LIFE-UJ DESIGN and must not be reproduced or disclosed to any unauthorised person either wholly or in part without written consent.



REV	DATE	DESCRIPTION	CHK'D
-----	------	-------------	-------

LIFE DESIGN
W/ life-uj-design.com
E carle@life-uj-design.com
T +44 (0) 2070973898
M +44 (0) 7766743415

CLIENT

MR & MRS GEORGIU

PROJECT

REAR & SIDE
EXTENSION TO
81 THE VALE

SCALE	DATE
-------	------

1:100@A3	2016.10.10
DRAWN	CHK'D

DRAWING TITLE

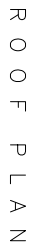
EXISTING PLANS

PROJECT NO.	DRAWING NO.	REV
15005/03	PL101	

Drawing to be read in conjunction with all the relevant information.

imately.

This drawing is the property of LIFE-U DESIGN and must not be reproduced or disclosed to any unauthorised person either wholly or in part without written consent.



REV	DATE	DESCRIPTION
-----	------	-------------

 $\overline{\text{CHK}}$
$$M +$$

44 (0) 7766

6745415

CLIENT

MR & MRS GEORGIU

PROJECT

REAR, SIDE & DORMER
EXTENSION TO
81 THE VALE

SCALE
1:100@A3

2016.10.10

DRAWN

IK'D

DRAFTING TITLE

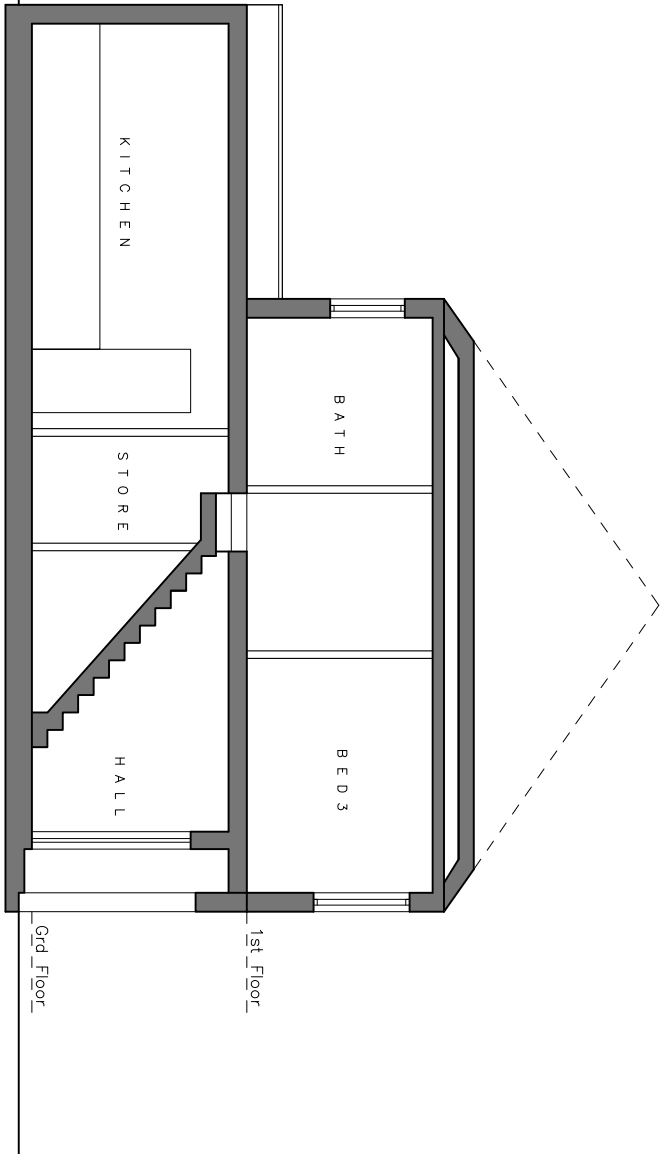
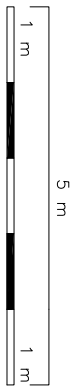
PROPOSED PLANS

PROJECT NO.

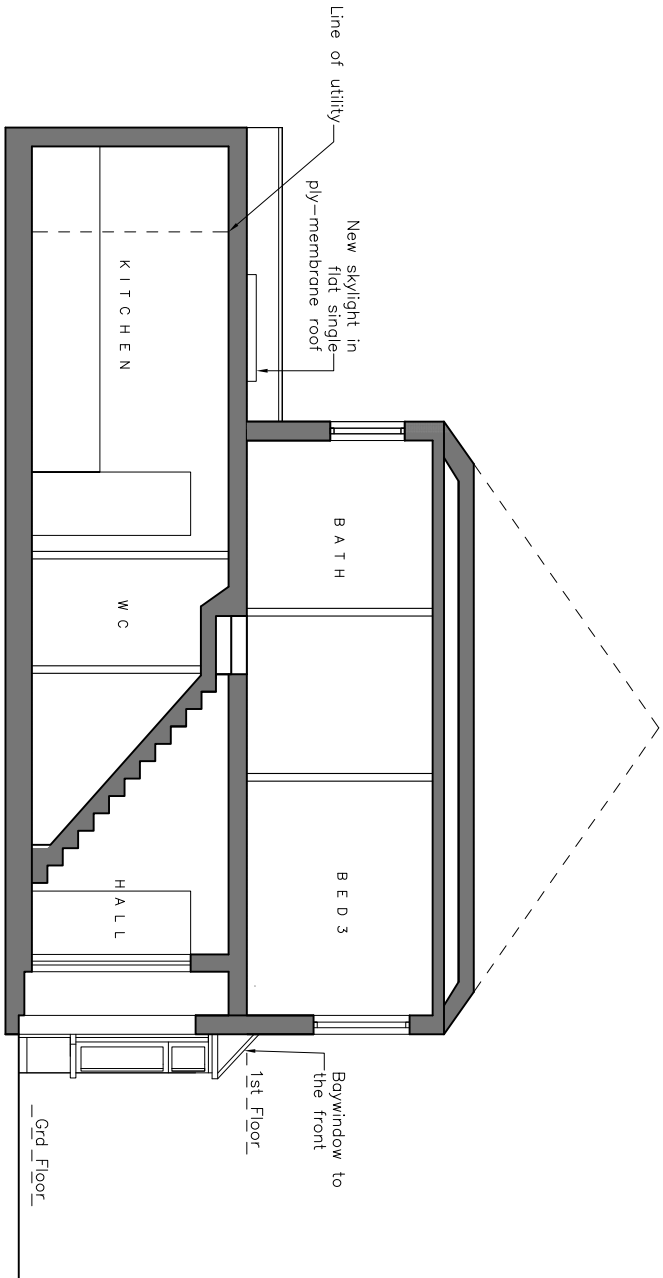
DRAWING NO.	REV.
-------------	------

3V.

Disclaimer:
Drawing to be read in conjunction with all the relevant information.
All written dimensions to be checked on site before construction. Dimensions shown on drawings where identified, must be reported to the architect immediately.
This drawing is the property of LIFE-U DESIGN and must not be reproduced or disclosed to any unauthorised person either wholly or in part without written consent.



SECTION AA
EXISTING



SECTION BB
PROPOSED

REV | DATE | DESCRIPTION | CHK'D

W / life-uk-design.com
E / carle@life-uk-design.com
T / +44 (0) 2070973898
M / +44 (0) 7766743415

CLIENT

MR & MRS GEORGIU

PROJECT
REAR & SIDE
EXTENSION TO
81 THE VALE

SCALE 1:100@A3	DATE 2016.10.10
DRAWN	CHK'D

DRAWING TITLE
EXISTING & PROPOSED
SECTIONS AA & BB

PROJECT NO. 15005/03	DRAWING NO. PL104	REV.
-------------------------	----------------------	------