
Appeal Decision

Site visit made on 19 September 2016

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 October 2016

Appeal Ref: APP/Q5300/W/16/3148062

717 Green Lanes, Southgate, Enfield, London N21 3RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Evie Demosthenous against the decision of Enfield Council.
 - The application Ref 15/04800/FUL dated 21 October 2015 was refused by notice dated 6 January 2016.
 - The development proposed is a one bedroomed residential unit to the rear yard of No. 717 Green Lanes yard.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has referred to the London Housing Supplementary Planning Document. I have been provided with a copy of the London Housing Supplementary Planning Guidance (SPG) dated March 2016. This document post-dates the Council's decision on this appeal proposal. It is necessary for me to take account of the current SPG in my determination of this appeal. I sought clarification from the Council as to whether there were any significant changes between the draft and adopted SPG that would have a bearing on my decision and I was informed that there were no significant differences.
3. I have been referred to Policy 7 in the Enfield Council's Development Management Document (2014). As this policy refers to garden land, I do not consider it relevant to the proposal before me.

Main Issues

4. The Council has withdrawn the reason for refusal with regard to contributions towards the provision of affordable housing and educational facilities. Therefore, I consider the remaining main issues to be:

the effect of the proposal on the character and appearance of the surrounding area; and

the effect of the proposal on the living conditions of existing and future occupiers, with particular reference to visual impact, outlook, privacy and security.
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Reasons

Character and Appearance

5. The appeal site lies within a terrace of properties comprising primarily of commercial properties at ground floor level with residential accommodation above. The proposal includes a part single- storey, part two-storey residential unit in the rear service yard at the appeal site. The rear environment is commercial in nature, with some small buildings situated in other service areas. Residential accommodation is confined predominately to the upper floors.
6. The proposed dwelling would accommodate a large extent of the existing service yard. Due to its design and scale, it would appear as a cramped form of development. Due to its height and scale, I consider that it would appear as an overly dominant form of development in this rear service yard environment. In addition, the residential character of the building would be at odds with the distinct commercial character of the properties at ground level. For these reasons, I conclude on this matter that the proposal would have an adverse effect on the character and appearance of the surrounding area.
7. The Council has raised concern regarding precedent. I have determined the proposal before me on its individual merits but acknowledge that to allow the appeal would make it difficult to resist similar proposals in this rear service yard area.

Living Conditions

8. The proposed residential unit would be visible from a number of adjacent residential properties on the upper floors. Windows in the proposed first floor would be set approximately 5 metres from the nearest facing windows in the rear elevation of upper floors of 717 Green Lanes. I consider that due to the proximity of the proposal to these neighbouring residential properties that there would be an unacceptable loss of privacy for both existing neighbours and future occupiers of the appeal property. The proposed rear terrace would further exacerbate this situation. In addition, due to the bulk and position of the proposal, it would appear as an unacceptably dominant structure when viewed from neighbouring properties.
9. Future occupiers of the proposal would have a very limited view from the ground floor bedroom onto the proposed shared covered alleyway. I consider this would be an unacceptable arrangement which would severely adversely impact on the privacy of future occupiers and their security.

Conclusion

10. In reaching my conclusion, I have had regard to all matters raised upon which I have not specifically commented. I have found that the proposal would have an adverse effect on the character and appearance of the surrounding area; on the living conditions of future occupiers; and on the living conditions of neighbours. This harm is of a significant level to dismiss the appeal.
11. I note that there is planning permission for a single-storey store on the service yard. This would be for a distinctly different use and be of a different scale to the proposal before me. Thus, I have attributed limited weight to this matter in my determination of this appeal.

12. For the above reasons, the proposal would be contrary to Policies 3.5, 7.4, 7.5 and 7.6 in The London Plan (2015); Policies 6, 8, 10 and 37 in the Enfield Council's Development Management Document (2014); Policy CP30 in the Enfield Plan Core Strategy 2010-2025 (2010); and guidance in the London Housing SPG (March 2016); where they seek to ensure high quality design that does not have an adverse impact on the character and appearance of an area or on residential amenity.
13. It is necessary to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. It must be acknowledged that at the heart of the Framework is the presumption in favour of sustainable development. It sets out the three dimensions that need to be considered, and that the roles should not be taken in isolation.
14. As regards the economic role, some very small benefit would accrue in relation to the construction of the proposed residential unit. In terms of the social role, the proposal would result in a poor standard of living accommodation for future occupiers and would have an adverse effect on the living conditions of neighbours. In addition, I have found that the proposal would have an adverse effect on the character and appearance of the area and thus would not satisfy the social role of providing a high quality built environment nor satisfy the environmental role, as it would not contribute towards protecting and enhancing the built environment. Taking the three dimensions together, the proposal would not constitute sustainable development.

J L Cheesley

INSPECTOR