

Appeal Decision

Site visit made on 6 September 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 14 October 2016

Appeal Ref: APP/Q5300/W/16/3150650

16-20 Turkey Street, Enfield, London EN3 5TR

- 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 Mr A Halil (c/o Bowling and Co) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/04859, dated 26 October 2016, was refused by notice dated 17 March 2016.
 - The development proposed is erection of fourth floor to provide 3 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect on the living conditions of the occupiers of No 24 Turkey Street, with particular regard to outlook.
 - Whether adequate cycle parking is provided.

Reasons

Background

3. The proposal before me follows a refused application for a similar residential development in 2013 and the subsequent dismissal of a related appeal. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Character and appearance

4. The appeal property is an existing three storey flat roofed residential building with associated garaging and parking to the rear. Whilst some taller buildings are evident in Enfield Wash, the predominant form of development in Turkey Street is two storey residential properties. I agree with the findings of the previous Inspector that the general height, massing and roof shape are important aspects of the form of development within the area and its character.
 5. The building forms a substantial and conspicuous backdrop to this character and is set back from the highway, sited between Nos. 14 and 24 Turkey Street.
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The existing building sits below the ridge height of No. 14 but is roughly the same height as No. 24.

6. Despite changes to the overall design and form since the previous appeal was dismissed, the proposal would still result an increase in the overall height of the building by approximately 2.7m¹. Although it would be constructed from more modern materials, the addition of a further storey of development would be clearly conspicuous within the streetscene, further exacerbating the prominence of the building and resulting in an unduly dominant addition.
7. In its context the proposal would appear significantly higher than surrounding buildings and would fail to respect the scale, massing and height of nearby buildings. Although the appellant contends the overall appearance would be improved, in my view, the proposal would unacceptably draw the eye to the building and it would sit in stark contrast to the more traditional roofscape of the locality, appearing as an alien and incongruous addition. It would not represent a high quality of design and would be at serious odds with the character and appearance of the host property and the area.
8. For these reasons, the proposal would cause significant harm to the character and appearance of the area and would conflict with Policies 4 and 30 of The Enfield Plan Core Strategy 2010-2025 ('CS') and Policies DMD6, 8, 11, 13, 14, 37 and 38 of the Development Management Document 2014 ('DMD'). When taken together, these policies require development to be of a high quality design, appropriate to the existing pattern of development, be of an appropriate scale, bulk and massing and have no adverse visual impact.

Living conditions

9. The proposal would be set in from the western elevation of the building by approximately 1m. In combination with an overall reduction in the depth and mass of the proposal and the changes to its form and design, I do not consider that the proposal would be overbearing or oppressive to the occupiers of No. 24 Turkey Street.
10. For these reasons, the proposal would not harm the living conditions of the occupiers of No. 24 Turkey Street in terms of outlook. Accordingly, it would not conflict with Policy CP30 of the CS or Policies DMD8 or DMD 37 of the DMD insofar as they require development to preserve amenity in terms of outlook.

Cycle parking

11. The Council's fourth reason for refusal refers to the failure to provide adequate cycle parking provision. However, I am satisfied that there is sufficient space within the site to accommodate such facilities and that this could be adequately resolved by the imposition of a condition, were I minded to allow the appeal.
12. For these reasons, the failure to provide these details should not be a reason for dismissing the appeal on these grounds and subject to such a condition, the proposal would not conflict with Policy 6.9 of the London Plan 2011, Policy 25 of the CS and Policies 45 and 47 of the DMD which, require satisfactory provision of such facilities for all new developments.

¹ Paragraph 6.3 of Appellant's Statement

Other Matters

13. The Council's third reason for refusal refers to the fact that the applicant did not agree to an appropriate level of developer contributions. Although I note the appellant's contention that such contributions are no longer required following a recent Court of Appeal decision, because I am dismissing the appeal on other grounds it is not necessary for me to consider this matter further.

Planning balance and overall conclusions

14. I note the appellant's reference to the presumption in favour of sustainable development within the National Planning Policy Framework ('the Framework'). However, I have no meaningful evidence before me regarding the Council's five year housing land supply and therefore cannot be definitive. Furthermore, I have not found the development plan to be absent, silent or out of date and have found conflict with it.
15. Accordingly, in the normal planning balance the proposal would provide three additional housing units, on previously developed land ('PDL') and in a relatively accessible location. Furthermore, the overall energy efficiency of the building would be improved.
16. However, although I have found that the proposal would not harm the living conditions of the occupiers of No. 24 Turkey Street in terms of outlook, it would cause significant harm to the character and appearance of the area. In my view, that is the prevailing consideration and although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole and this is not outweighed by the above benefits. It would also fail to fulfil the environmental role of sustainable development as defined in the Framework and there are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR