

Appeal Decision

Site visit made on 18 October 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/Q5300/W/16/3151242

12 Eastbournia Avenue, Edmonton, Enfield N9 0RX

- 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 Silverfield Estates Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/05368/FUL, dated 24 November 2015, was refused by notice dated 28 April 2016.
 - The development proposed is alterations and extensions to existing flats and erection of an additional dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to existing flats and erection of an additional dwelling at 12 Eastbournia Avenue, Edmonton, Enfield N9 0RX in accordance with the terms of the application, Ref 15/05368/FUL, dated 24 November 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15012 PL100; 15012 PL101; 15012 PL102; 15012 PL103; 15012 PL104; 15012 PL105 Proposed side, front & rear elevations; 15012 PL105 Existing and Proposed sections and 15012 PL107.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Prior to the occupation of the additional two bedroom dwelling, the details and location within the site of a cycle storage facility for a minimum of 2 cycle spaces shall be submitted to and approved in writing by the local planning authority. The approved facility is to be constructed prior to occupation of the additional two bedroom dwelling and shall be permanently retained in accordance with those details thereafter.
 - 5) Prior to the occupation of the additional two bedroom dwelling, the details and location within the site of refuse storage, including facilities for the recycling of waste, shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided in accordance with the agreed details prior to the occupation of the
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additional two bedroom dwelling and shall be permanently retained in accordance with those details thereafter.

Procedural Matters

2. The Council refused the application for four reasons, the fourth of which stated that as the proposal failed to make appropriate provision to secure a financial contribution towards affordable housing provision and monitoring fees, it was contrary to policies 3 and 46 of the Enfield Core Strategy and policies 3.10 to 3.13 (inclusive) of the London Plan. However, in response to the Court of Appeal's judgement of 11 May 2016¹, the Council subsequently confirmed that they wished to withdraw this reason for refusal, and that the appeal should be determined against the remaining three reasons for refusal.
3. I too have had regard to that judgement, in respect of the earlier judgement of the High Court of 31 July 2015 and the effect on policy set out in the Secretary of State's Written Ministerial Statement of 28 November 2014, and to subsequent alterations to Planning Practice Guidance on tariff-style planning obligations for affordable housing and social infrastructure contributions in respect of small housing sites. In light of the above, and as this matter is no longer a point of dispute between the parties, it has not formed part of my deliberations.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the surrounding area;
 - The living conditions of occupiers of 1 Brett Court, with particular reference to outlook and daylight / sunlight; and
 - The living conditions of future occupiers of the proposed dwelling, with particular reference to the quantity and quality of internal accommodation.

Reasons

Character and Appearance

5. The entrance to Eastbournia Avenue from Town Road, gives little clue as to the predominant character of the street as a whole. The substantial block of Brett Court turns the corner from Eastbournia Avenue, onto Town Road and again into St Malo Avenue. Although predominantly two storeys in height, the Brett Court development is interspersed with more substantial three storey elements, including that on the entrance to Eastbournia Avenue.
6. The appeal dwelling and the adjoining half of the building stand as an incongruous pairing within Eastbournia Avenue. The somewhat drab, two storey box-like appearance of No 12 and the smaller, lean-to roofed, two storey dwelling at No 14 are unlike anything else within the street.
7. However, on the western side of Eastbournia Avenue opposite the appeal site is a long, unbroken residential terraced block that exhibits a pleasing sense of proportion and rhythm along its frontage. So too, do the shorter terraced

¹ Court of Appeal 11 May 2016 – Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441

blocks of three and four dwellings on the eastern side of Eastbournia Avenue. Although they display subtle differences, dwellings along the street are unified by their two storey scale and the projecting single and two storey bays that provide interest to their front elevations.

8. The proposal to remodel the existing building at No 12 would introduce a number of key design features found elsewhere within Eastbournia Avenue. The two storey extension to the side of the existing building to facilitate the two bedroomed dwelling would provide a degree of balance to the building's front elevation. A pair of projecting single storey, ground floor bays with chamfered corners under pitched tiled roofs would replicate those on the opposite side of the street, whilst a pitched, gabled roof would replace the parapet wall and flat-roofed appearance of the existing building. Together, these would substantially and significantly enhance the appearance of the building in a manner that would reflect local character and context.
9. Although featuring a crown roof design with an area of flat roof at ridge level, the proposal's form would nonetheless enable No 12 to sit more comfortably within the Eastbournia Avenue streetscene than it does at present. No 12 already sits forward of the prevailing building line along the eastern side of Eastbournia Avenue which, in turn, emphasises its existing box-like appearance. Whilst this proposal would not alter the building's relationship with the street or the prevailing building line, it would introduce a pitched roof closer in style to others in the street than is currently the case. I am satisfied that the resulting gable elevation is sufficiently reflective of end-of-terrace roof styles within Eastbournia Avenue and adjoining terraces, where there are a mix of gabled and hipped roofs on end-of-terrace properties.
10. I acknowledge that the side extension, to facilitate the creation of the two storey dwelling, would extend up to the plot boundary with Brett Court. I note, too, that policy DMD14 of Enfield Council's Development Management Document (the DMD) states that a minimum distance of 1 metre from a boundary with an adjoining property will be required, and that side extensions will only be permitted where they avoid the creation of a continuous façade of properties, or create a "terracing effect".
11. However, notwithstanding the semi-detached nature of Nos 12 and 14, Eastbournia Avenue is essentially characterised by terraced properties. These range from blocks of three and four dwellings, to longer rows, such as that opposite the appeal site. The increased frontage width of No 12 that would result from the proposed development would, by virtue of other design features noted above, result in a better balanced, more traditional dwelling than is currently the case. Furthermore, there is sufficient variation and relief along the front elevations of adjacent properties to avoid any potential of there being a continuous façade.
12. Thus, I am satisfied that the proposal would not result in an incongruous form of development, and would not have a harmful effect on the character and appearance of either the host building, or upon the surrounding area. The proposal would also substantially improve the character and appearance of the host property, allowing it to sit more comfortably within the wider streetscene. There would therefore be no conflict with policies DMD6, DMD8, DMD14 or DMD 37 of the DMD, Core Policy 30 of the Core Strategy or with London Plan policy 7.4. Together, these policies seek to secure high quality design that is

appropriate to, and respects, local character and the existing pattern of development. Whilst it is noted that London Plan policies 3.4 and 7.2 are referred to in this respect, I do not find them to be directly relevant to a proposal of this nature and so I have afforded them only limited weight in my consideration of this matter.

Living Conditions – 1 Brett Court

13. The extended building at No 12 would project beyond the rear of the adjacent property at 1 Brett Court. Although the Council cite a projection of 5 metres at ground floor and 4 metres at first floor, this does not appear to be borne out by the submitted plans.
14. The rear facing ground floor windows of 1 Brett Court appear to be set underneath a set of external metal steps, leading to a first floor walkway at the rear of 1 Brett Court. Whilst the extended building would directly abut the boundary with 1 Brett Court, the rear of that property looks out across a large private landscaped garden and enjoys a generally open aspect in that respect.
15. I am not convinced that the overall projection of the extended building would be as significant as the Council suggest, nor do I find the relationship between the two to be particularly unusual in an area such as this. There is a substantial fence between the properties, which, together with vegetation along the boundary and the steps and walkway above No 1, is likely to restrict light to the rear of No 1 at certain times of the day. The proposed development would, in my judgement, have very little additional effect in this respect, and would not have a significantly enclosing or overbearing effect on the outlook from the rear of this property.
16. Thus, I conclude that the proposal would not harm the living conditions of occupiers of 1 Brett Court with respect to outlook, daylight and sunlight and would accord with the overall amenity and design aims of DMD policy DMD8. Although DMD policy DMD8 is also referred to in the second refusal reason, as the proposal is not for a residential rear extension, I have given its provisions only limited weight in my consideration of this matter.

Living Conditions – Future Occupiers

17. It is common ground that the proposal would provide or retain adequate levels of internal accommodation for the existing ground and first floor flats currently situated within the appeal property. It is also agreed between the parties that the levels of outdoor amenity space for both the ground floor and first floor flats would not be materially worse than is currently the case.
18. Although the proposed two storey dwelling would fall short of the overall gross internal floor area (the GIA) figures set out in the London Housing Supplementary Planning Guidance and the Technical Housing standards – national described space standard, at 77 square metres GIA this would be just 2 square metres below the GIA figure set out in the nationally described space standard. I am satisfied however, that the shortfall is sufficiently minor, and the proposed dwelling would provide a satisfactory level of accommodation with access to a large and usable outdoor private amenity space such that, overall, the level of accommodation, both internal and external, would provide acceptable living conditions and thereby comply with the overall amenity and

design aims of DMD policy DMD8, Core Strategy policy CP4 and London Plan policy 3.5.

Conditions

19. The Council have not provided a list of suggested conditions in the event that the appeal should succeed. I have nonetheless considered the matter of conditions in the light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance.
20. In addition to a time limit condition, I consider that conditions specifying the approved plans, and requiring details of the external materials are reasonable and necessary in order to provide certainty, and in the interests of the character and appearance of the surrounding area, respectively.
21. Whilst the Council have not provided a list of suggested conditions and have sought to rely on the content of their delegated officer report in setting out their case, I note that the possible use of conditions relating to cycle parking provision and refuse and recycling storage is alluded to therein. I have not, however, been directed to a specific policy basis for seeking such detail. However, I nonetheless consider that conditions of this nature would align with the broad aims of the Framework in seeking to secure sustainable development and the core planning principles that the Framework states should underpin decision making. I have therefore applied conditions to this effect in the interests of encouraging access by means other than private vehicle and in the interests of the character and appearance of the surrounding area.

Conclusion

22. For the reasons set out, and having considered all other matters raised, I consider that the appeal should be allowed.

Graeme Robbie

INSPECTOR