
Appeal Decision

Site visit made on 8 November 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 30 November 2016

Appeal Ref: APP/Q5300/D/16/3160322

8 Byland Close, London N21 1QH

- 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 Fidan Osoy against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/02777/FUL, dated 13 May 2016, was refused by notice dated 8 September 2016.
 - The development proposed is vehicle access and hard standing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development used in the heading above reflects that used in the Council's decision notice, as this provides an accurate and more succinct description of the scheme than the narrative version used on the application form.
3. At the time of my visit, an area of hardstanding existed to the front of the appeal site, which had a noticeable gradient. However, the details as submitted appear to indicate that the proposed area of hardstanding would be level with the adjacent highway, with a retaining wall to the rear and sides. There is nothing before me to indicate that the details of the scheme have been amended to reflect the works carried out on site. Accordingly, notwithstanding the references to this element as 'retrospective', I intend to consider the appeal on the basis of the proposal as submitted.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
 - The character and appearance of the area; and
 - Highway safety and the convenience of other road users.

Reasons

Character and appearance

5. The appeal site is located within a small cul-de-sac of broadly similar properties, with the area of the proposed development forming the front garden of an existing flat. Whilst the properties within the street appear as
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semi-detached two-storey houses, I understand that they largely comprise ground and first floor flats. These properties are arranged in a regular pattern, fronting the estate road and set back some distance from it. As such, relatively sizeable garden areas exist to the site frontages along the road, most of which include some planting.

6. The layout of the estate is such that driveways, which lead to individual garages set back from the road, provide some separation between the pairs of front gardens. Nonetheless, whilst low front boundary walls exist on the appeal site side of the road, the extent of hard landscaping within the street is relatively limited and softened by planting. Consequently, notwithstanding the road layout, accesses and formal pattern of development, the planting and soft landscaping within front gardens are important and visually dominant elements within the streetscene.
7. As a result, although the details indicate that it contains a relatively high number of properties, Byland Close has the appearance of a low density suburban development and, together with the local topography and the mature trees that largely enclose this small estate, the front gardens within the street make a particularly valuable contribution to its pleasing and distinctive character.
8. Due to changes in ground levels, the relatively enclosed character of the estate and the location of the appeal site within it, longer views of the appeal site are limited. Nonetheless, it is in close proximity to other gardens within the street and is seen in that context. As a result, it forms an integral part the regular and ordered pattern of development within the estate and, as such, makes an important contribution to the streetscene and the overall character of the area.
9. The proposal would make some provision for planting to the boundaries of the hardstanding area. However, given the above context, the general absence of soft landscaping within the site frontage would be materially at odds with other gardens nearby. Consequently and for the above reasons, the extensive provision of hardstanding as proposed to the front garden of the site would appear as a hard, urban form of development, which would be detrimentally incongruous within the streetscene and significantly detract from the character of the immediate locality. The proposed changes in land levels would exacerbate this harmful impact.
10. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. It would not be in accordance with the *Enfield Development Management Document 2014* (DMD) Policies DMD6, DMD8 and DMD46, where they collectively seek to protect local character and appearance. It would also not meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework), to achieve high quality design and take account of the different roles and character of different areas.

Highway safety and convenience

11. The carriageway within Byland Close is relatively narrow, with parking only possible to one side. Bollards installed to both sides of the road prevent parking on the footway. The existing driveways along the road further limit on-street parking. Whilst some parking restrictions exist, these are relatively limited and apply to larger vehicles. Nonetheless, notwithstanding the absence of more general regulatory controls, I consider that the physical conditions and

configuration of the road layout significantly limit the extent of on-street parking available within the street.

12. Whilst individual garages and driveways provide off-street parking for a number of properties, this provision is not available for all flats within the street. Although I understand that a shared garage court also provides parking to the rear of the estate, the submitted details indicate that the demand for on-street parking is high. At the time of my visit, a number of cars were parked within the street and, whilst I recognise that circumstances may be different at other times, this reflects the evidence provided of on-street parking demand.
13. The appeal proposal would provide space for two cars to park on site. However, whilst it is argued that this would assist in relieving pressure for on-street parking within the road, the proposed parking area would be accessed by a dropped kerb crossover of the highway that would extend across the width of the site. As a result, the provision of this access would further restrict the on-street parking available adjacent to the site. Furthermore, given the limited width of the carriageway, I am not satisfied that the submitted evidence adequately demonstrates that reasonable access to the proposal would be achievable with parking on the opposite side of the road. As such, I am not persuaded that the proposal would have a beneficial effect in this regard.
14. Although the proposal would not incorporate a turning area, it would not be materially different in this respect to other parking and access arrangements existing in the immediate vicinity. Furthermore, whilst the Council has expressed concern that the size of the space proposed would be unable to accommodate a vehicle without it overhanging the footway, the appellant states that the size of the spaces proposed would accord with the Council's local parking standards and the submitted details indicate the depth proposed would be sufficient in this respect. As such, taking into account the nature of the estate road and the existing highway conditions, I consider that the proposal would be unlikely to result in material harm to highway safety.
15. Nonetheless, taking into account the local concerns expressed and having regard to the context of the site, I am not satisfied that the details provided satisfactorily demonstrate that the impact of the on-site parking provision as proposed would not lead to severe inconvenience to other road users. As a result, on the balance of the evidence before me, I consider that this issue also represents an appropriate reason to find against the scheme.
16. My attention has been drawn to other examples of on-site frontage parking in the locality, in particular for a number of properties in The Glade, and I saw these on my visit to the area. However, from my observations, I am not satisfied that the extent and type of parking restriction and configuration of the highway that exists in these other cases are directly comparable to the situation in relation to the appeal site. As such, these other examples do not lead me to alter my findings above.
17. Accordingly, whilst I have found that the impact of the proposal on highway safety would be acceptable, I conclude that it would have a materially harmful effect on the convenience of other road users. It would be contrary to DMD Policy DMD46, where it seeks to restrict vehicle crossovers which would result in an increase in on-street parking pressure in areas of high on-street parking demand. It would also not meet the aims of paragraph 32 of the Framework, to prevent severe residual cumulative transport impacts of development.

Other matters

18. I have no doubt that the provision of on-site parking would be of benefit to the appellant and would result in more convenient parking arrangements for her and her family. This is a matter that weighs in favour of the scheme. However, whilst I recognise that on-street parking immediately adjacent to her home may not always be available, it is not a matter of dispute that parking provision exists in the garage court nearby. As a result, given the limited distances involved and on the evidence before me, I find that the personal benefits of the proposal to the appellant would not be sufficient to outweigh the harm identified above.
19. I note that the consent of the freehold landowner has been obtained for the proposed works. However, this is not a matter that is primarily before me in my consideration of this appeal. Furthermore, it has been argued that, if the appeal property were an individual dwellinghouse rather than a flat, the works proposed could have been carried out without the need for a specific planning permission, under 'permitted development rights'. However, whether or not that is the case, there is nothing substantive before me to indicate that permission is not required for this scheme. As such, neither of these matters leads me to alter my findings in respect of the appeal proposal, which I have considered on its merits and in light of all representations made.
20. Concerns have also been expressed about the impact of the proposal on drainage, the living conditions and access arrangements of neighbouring occupiers and on land values. However, given my findings above, it is not necessary for me to consider these matters further.
21. I have taken into account the rights of the appellant under the Human Rights Act 1998 and the best interests of the children. I have also had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. For the reasons given, I am satisfied that the refusal of permission in this case would be proportionate and necessary in order to protect the public interest. In addition, for similar reasons, it would not conflict with the three aims of the Equality Duty or have an unacceptably disproportionate impact on persons who share a relevant protected characteristic, including age.

Conclusion

22. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Napier

INSPECTOR