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## Appeal Decision

Site visit made on 6 December 2016

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

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

**Decision date: 15<sup>th</sup> December 2016**

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**Appeal Ref: APP/Q5300/W/16/3157430**

**2 Elstree Gardens, Edmonton, Enfield, N9 8QY**

- 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 G Nartey CH and TH Investments Ltd against the decision of London Borough of Enfield.
  - The application Ref 16/01295/FUL, dated 23 March 2016, was refused by notice dated 28 July 2016.
  - The development proposed is the proposed construction of a three bedroom two storey dwelling including rear dormer.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a three bedroom two storey dwelling including rear dormer at 2 Elstree Gardens, Edmonton, Enfield, N9 8QY in accordance with the terms of the application, Ref 16/01295/FUL, dated 23 March 2016, subject to the attached schedule of conditions.

### Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the area.

### Reasons

3. The appeal site is an open area of land which has a derelict and overgrown appearance and is bounded by a tall boundary fence. To the north are residential dwellings. To the south is an access yard serving a number of single storey buildings.
  4. Elstree Gardens is a residential street containing rows of terraced dwellings. Development in this location is of a relatively high density and these properties are all of a similar age and design being 2-storey, rendered with tiled roofs and double height bay windows.
  5. The appeal plot is narrow and the front elevation of the proposed dwelling would not be as wide as the adjacent dwellings. The proposed dwelling would have a rendered finish and would incorporate a 2-storey bay window with roof gable which would reflect the width of other bay windows along the road.
  6. Rather than having a squat and cramped design, I consider that the dwelling would represent a sensitive addition to the street scene which would reflect the architecture of the adjacent terraced properties and the scale, proportions and
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rhythm of the bay windows. While I accept that the position of the front door would leave only a small gap between the proposed bay window and the neighbouring property, on its own, this would not be so harmful as to warrant the dismissal of the appeal.

7. Due to the change in width of the appeal plot to the rear, the proposed flank elevation would be built at an angle. The difference in width between the proposed front and rear elevations would be minimal at around 1metre and on this basis I find that the chamfer would also not emphasise the narrow nature of the front elevation. Furthermore, I saw that a number of other properties locally have flank elevations which are chamfered, including at properties Nos 29 and 31 Bounces Road, located at the junction with Elstree Gardens. In this context, the proposed development with a chamfer would not be out of character.
8. The depth of the house and the pitch and height of the main roof would match the adjacent property. To the rear there would also be a 2-story gabled projection, and a further single storey projection, accommodating a kitchen/diner at ground floor level and bedroom 2 on the first floor. There would also be a dormer window to the rear, serving a bedroom at attic level.
9. While the projections to the rear would be visible as part of the flank elevation, and would be visible across the adjacent access yard, these are modest and would not give rise to an expansive depth of the house. Moreover, a number of dwellings in the local area have had extensions to the rear and as such the projecting elements would not be out of keeping in this respect.
10. I therefore do not consider that the introduction of a further dwelling with its flank elevation built at an angle, along with the projections to the rear elevation would represent a poor and bulky design. Nor would the proposed development represent overdevelopment of the site. Accordingly the development would not cause harm to the street scene.
11. Overall, I conclude that the development would not cause harm to the character and appearance of the area. There would be no conflict with Policy CP30 of the Enfield Core Strategy (2010) and Policies DMD6, DMD8, and DMD37 of the Enfield Development Management Document (2014) which in combination, seek to ensure that new development is of an appropriate design, scale and density and that local character is preserved. Policy DMD13 relates to roof extensions and I do not consider this to be relevant in this case.
12. The development would also accord with Policies 7.4 and 7.6 of the London Plan (2015) which requires that development has regard to the form, function, and structure of a street and the scale, mass and orientation of surrounding buildings as well as comprise details and materials that complement, not necessarily replicate, the local architectural character.

### **Conditions**

13. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for certainty. As materials are clearly specified on the plans, I have amended the Council's suggested condition which requires details of external materials. Instead I have imposed a condition requiring that materials are constructed in

accordance with the approved plans as this is necessary and to ensure that the appearance of the development is satisfactory.

14. I consider that restricting permitted development rights for the insertion of windows, other than those shown on the approved plans, is necessary to control any future works that could negatively affect and the living conditions of neighbouring occupiers.
15. However, the Council have also suggested a separate condition requiring the removal of permitted development rights with regard to the prohibition of additional buildings, structures or alterations permitted by Class, A, B,C or E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. The Planning Practice Guidance<sup>1</sup> states that conditions restricting permitted development rights 'will rarely pass the test of necessity and should only be used in exceptional circumstances'. A clear justification for the removal of such permitted development rights has not been demonstrated and therefore I consider that this condition is not necessary.
16. Finally, as the approved plans illustrate the location of both cycle and refuse storage facilities, I do not consider that pre-commencement conditions in respect of these items are necessary. As an alternative, I have imposed conditions relating to these in accordance with the drawings, requiring that these are retained thereafter. These are required in the interests of local amenity and to secure sustainable transport. A pre-commencement condition for a construction management plan is also necessary to protect living conditions of neighbouring occupants.

### **Conclusion**

17. For the reasons given above, taking into account all other matters raised, I conclude that the appeal should be allowed.

*C Searson*  
INSPECTOR

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<sup>1</sup> Reference ID: 21a-017-20140306

### **Schedule of 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: 0399\_00\_101, 0399\_00\_103, 0399\_00\_111, 0399\_00\_002, 0399\_00\_003, 0399\_00\_004, 0399\_00\_006.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 0399\_00\_101 and 0399\_00\_103.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
- 5) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 0399\_00\_002 for 2 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 6) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 0399\_00\_002 for refuse storage facilities and that space shall thereafter be kept available for those purposes.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.