

Appeal Decision

Site visit made on 20 March 2017

by B Bowker Mplan MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/Q5300/W/16/3164530
20A Hardinge Road, Edmonton N18 1DP

- 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 Robert Amin against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/03000/FUL, dated 1 July 2016, was refused by notice dated 20 October 2016.
 - The development proposed is erection of a detached two storey dwelling.
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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 surrounding area;
 - The living condition of neighbours residing at 27 Amersham Avenue, with particular reference to daylight, sunlight and outlook; and,
 - The living conditions of future occupants, with particular reference to amenity space.

Reasons

Character and appearance

3. The appeal site is a vacant strip of land adjacent to an end of terrace property No 20 Hardinge Road and a semi-detached property No 27 Amersham Avenue. Surrounding dwellings include terraced properties that run parallel to the highway and semi-detached properties set at an angle at corner locations. Despite alterations and extensions to some properties, the area has a relatively consistent appearance. End of terrace properties incorporate two storey bay windows and gable frontages which give the area an ordered appearance. Characteristic gaps between end of terrace and semi-detached properties give the area a spacious character. As the road is straight, this spacious and ordered character is appreciable from public vantage points along the street.
 4. The proposal would follow the front building line of adjoining properties and include a front garden. However, the characteristic spaciousness between end of terrace and semi-detached properties would be significantly reduced by the proposal. Despite a mimicked roof and window design of the adjacent terrace,
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the proposed height, side gables and steep roof pitch would disrupt the ordered appearance of the street scene. Furthermore, the comparative small width of the dwelling would appear incongruous and harm the surrounding ordered appearance.

5. I understand that the minimum 1 metre distance suggested by Policy DMD14 would be exceeded. However, to prevent adverse impacts on the street scene, the policy notes that greater distances may be required depending on the site and surrounding area. In this respect, the spacious character of the surrounding area demands a greater degree of separation than that proposed.
6. During my site visit I saw 2A Giffard Road and 4A Tiverton Road. However the proposal would not be viewed alongside these properties and would be seen in an area with a more spacious and ordered character. Consequently, both of these properties are not sufficient justification to support the proposal.
7. I acknowledge that paragraph 60 of the National Planning Policy Framework states that architectural styles or particular tastes should not be imposed. Nonetheless, paragraphs 56, 60 and 64 highlight that it is proper to promote local distinctiveness and that permission should be refused for poorly designed development. Based on my reasoning above, the proposal would be deficient in these respects.
8. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to Core Strategy (CS) Policies CP4 and CP30, Development Management Document (DMD) Policies DMD6, DMD8 and DMD37, and London Plan (LP) Policies 3.4, 3.5 and 7.4 which are of most relevance to this matter. Combined, these policies require residential development to be of a high quality design that reinforces local distinctiveness and is appropriate to the existing pattern and form of development.

Neighbour living conditions

9. No 27 has an amenity area and a window that serves a kitchen directly opposite the appeal site. Despite the depth of the proposed dwelling being less than No 20, the proposed two storey scale would be sited in close proximity to the shared boundary with No 27.
10. As the appellant notes, the adjacent window at No 27 is not the primary window serving the kitchen. However, the proposal would result in a significant reduction in day and sunlight reaching the south facing amenity area at No 27. This would be particularly harmful to the living conditions of neighbours when spending time in the amenity area. Furthermore, the close proximity of the two storey dwelling would result in an overbearing outlook compared to that currently provided from the open appeal site. This loss of outlook would be particularly evident for neighbours when spending time in the adjoining amenity area.
11. In reaching this view, I note that neighbours at No 27 have raised no objection to the proposal. However, I must consider future occupants of the property, and the lack of objection, alongside the absence of windows in the proposed side elevation, would not remove or reduce the harm described above.
12. Therefore I conclude that the proposal would have a harmful effect on the living condition of neighbours residing at 27 Amersham Avenue, with particular

reference to daylight, sunlight and outlook. Consequently the proposal would be contrary to DMD Policy DMD 8 and LP Policy 3.5 which are of most relevance to this matter. Combined these policies require residential development to be of the highest quality externally in relation to its context and preserve amenity in terms of daylight, sunlight and outlook.

Future occupants

13. The proposed garden area would be roughly 15 square metres in size which concerns the Council; particularly in relation to its depth compared with gardens in the surrounding area. However, DMD Policy DMD9 does not prescribe external space standards for a 1 bedroom, 2 person dwelling. Based on the difference between size requirements for larger properties prescribed by Policy DMD 9, the appellant calculates that the proposal should provide 11 square metres. In the absence of any evidence to the contrary, this approach seems reasonable and the area provided would enable a modest area for sitting out and drying clothes.
14. In its Statement of Case, the Council raise concern regarding overshadowing of the proposed garden area. However, as this concern was not raised in the Council's Delegated Report or included as a reason for refusal, I have not pursued this matter further.
15. Therefore the proposal would not have a harmful effect on the living conditions of future occupants, with particular reference to amenity space. Consequently the proposal would meet the requirements of CS Policy CP4, and DMD Policies DMD9 and DMD37 which are of most relevance to this matter. Insofar as they relate to this matter, these policies require development to be suitable for its intended function and provide a good quality private amenity space.

Other matters

16. A number of benefits are associated with the proposal including its contribution to housing supply, its density in relation to public transport, contribution to Community Infrastructure Levy revenue and development of a site subject to fly tipping.
17. In addition, I have identified no harm to the living conditions of future occupants by virtue of the amenity area proposed. However, this neutral factor and the noted benefits would be outweighed by the harm identified in relation to the first two main issues as reasoned above.

Conclusion

18. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR