
Appeal Decision

Site visit made on 10 May 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 22nd May 2017

Appeal Ref: APP/Q53900/D/17/3171565
54 Green Street, Enfield, EN3 7HW

- 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 Jennifer Muschett against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/04574/FUL, dated 8 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is an outbuilding at the rear of the garden and a pavement cross-over to the front of the property.
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Decision

1. The appeal is dismissed insofar as it relates to the formation of a pavement cross-over. The appeal is allowed insofar as it relates to the outbuilding and planning permission is granted for an outbuilding to the rear of the garden at 54 Green Street, Enfield, EN3 7HW in accordance with the terms of the application, Ref 16/04574/FUL, dated 8 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0508/1 & 0508/2A.
 - 3) The dwelling hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 54 Green Street.

Main Issues

2. The main issues are, in relation to the formation of a pavement crossover, whether the proposal would lead to a loss of highway and pedestrian safety and, in relation to the erection of an outbuilding, whether the proposal would, i) detract unacceptably from the appearance and general character of the surrounding area, ii) be detrimental to the amenity of neighbouring residential property and/or, iii) afford the prospective occupants of the outbuilding an unacceptably low level of amenity.

Reasons

Pavement Crossing

3. The proposal is to form a dropped kerb crossing that would give a direct vehicular access from Green Street, a busy classified road and bus route, to a parking space at the front of the appeal site. Policy DMD46 in the Council's Development Management Document says that planning permission for new accesses onto 'A' roads and other busy classified roads will not normally be permitted. It lists criteria which must be met if an access is to be permitted. These include the requirements that there should be no increase in street parking pressures in areas already experiencing high on-street parking demand, no adverse impact on road safety or on the free flow of traffic and that vehicles should be able to enter and exit the crossover in forward gear.
4. The formation of a crossover would conflict with criterion 'c' in DMD46 in that it would entail the loss on one on-street parking space in an area where there appears to be a high demand for such spaces. Furthermore, there is not enough space to turn a vehicle within the site. Consequently, vehicles using the crossing would have to enter or exit the highway in reverse gear, a movement that is contrary to criterion 'f' in DMD46 and would be detrimental to the free flow of traffic and highway safety. The fact that there might be adequate visibility from the crossover would not overcome the danger inherent in vehicles reversing into or out from a stream of traffic. The proposal therefore conflicts with the objectives of the relevant policy in the adopted development plan.
5. There are some existing crossovers near the appeal site, including one at the house immediately to the east but I read that these predate the adoption of the Development Management Document and policy DMD46. I am also aware that there is a hard-surfaced area at the front of No 54 and that vehicular access to this area is sometimes prevented by on-street parking. However, crossing the pavement to reach the hard-surfaced area is unauthorised. If a pavement crossing were to be permitted there would be no gain in the number of parking spaces in the area because the safer on-street space would be lost.
6. I recognise that the traffic hazard resulting from one new crossover would be limited and I sympathise with the appellant's desire for easier access to her house and her wish to reduce the risk of vandalism to cars. However, these are not unique concerns, and setting aside the objectives of DMD46 on this one occasion would make it more difficult to uphold the policy in other locations, with the result that there could be a cumulatively serious loss of highway safety. I am satisfied that the public interest in upholding a policy which is designed to maintain highway safety should take precedence over personal convenience. I also consider that the absence of local accidents related to movements to and from vehicular accesses is not convincing evidence that such movements do not have safety implications.

The Outbuilding

7. The Council consider that the proposed outbuilding would function as an independent dwelling. In support of this view they cite its size, the inclusion of a kitchen/diner, bathroom and two bedrooms, and the access onto a lane at the rear of the property. However, the appellant's personal statement makes it clear she requires the building as an annexe which would provide living

space for an extended family which includes her mother, sons and grandchildren. In this context, she invites a condition limiting its use to purposes ancillary to the residential use of the main dwelling. I am satisfied that, with the imposition of this condition, the outbuilding would not be an independent dwelling.

8. In the short term, the likely effect of erecting the outbuilding would not be that more people would live at the property but that the appellant would be able to accommodate her extended family in greater comfort. In the longer term, it is likely that more people would live at the property than would otherwise have been the case and that this would lead to a greater level of activity than would normally be generated by a modest end of terrace property. However, I do not consider that the increased activity would so far exceed the normal range of domestic activity that it would significantly detract from the general character of the surrounding area or cause unacceptable disturbance for neighbouring residents.
9. The Council identify no specific objection to the appearance of the outbuilding and, although its size is one reason for their thinking that it is intended for independent occupation, they have not shown that this would of itself cause harm. The first reason for refusal refers to the building being obtrusive but, since it would be only about 2.5m high and would replace two existing structures, I do not find this a persuasive proposition.
10. The Council's objection appears to rest primarily on their opinion that the outbuilding would function as an independent dwelling. The difference between an annexe and an independent dwelling would be fundamental for anyone living at No 54 but the effect on the amenity of neighbouring properties and on the character of the surrounding area would be far subtler. In this regard the officer's report describes the effect of what the Council consider to be an independent dwelling as *"incongruous", "cutting across the grain of the established character of the area imposing an alien form of occupation"* and not being *"in keeping with the pattern of development"*. In the absence of convincing evidence that the building's size or appearance would cause significant harm, it is difficult to identify what specific harm is implied by these observations.
11. There is one way in which independent occupation could impinge on the character of the surrounding area. If the outbuilding was not linked to No 54 I would expect all access to be via the narrow, overgrown, and apparently little used, shared lane at the rear of the site. The increased use of this access would change the character of the immediate area and would make neighbours aware of the change in occupation. For this reason, if for no other, I agree that the use of the proposed outbuilding as an independent dwelling could lead to it being perceived as an intrusive and alien element. I have therefore imposed a precautionary condition prohibiting such use.
12. If the outbuilding provided only ancillary residential accommodation I am satisfied that it would neither detract from the appearance or general character of the surrounding area nor be detrimental to the amenity of neighbouring residential property. Therefore, it would not conflict with the relevant objectives of policies DMD 6, 7, 8 or 13 in the Development Management

Document, policy CP30 in the Council's Core Strategy or the objectives of the National Planning Policy Framework.

13. I read that the appellant is willing to accept a condition preventing access from the rear lane. I recognise that an access onto this lane would result in its increased use. Nevertheless, I consider that the status of the building as ancillary accommodation, reinforced by condition, would make it likely that most access would be via the parent dwelling as indicated by the appellant. No condition preventing access to the lane has been suggested by the Council and I do not consider it necessary to impose one.
14. The Council's concerns about the prospective occupants' amenity relate to the standard of internal accommodation, the availability of outdoor space and the adequacy of the access via the rear lane. The concerns appear to be based on the assumption that the outbuilding would be an independent dwelling. None of the concerns are decisive if, as I accept, the outbuilding would instead act as overflow accommodation for an extended family which would also occupy the parent house at No 54. I am therefore satisfied that there would be no conflict with the relevant objectives of policy DMD8.

Conditions

15. I have imposed conditions governing the timing of development and specifying the approved plans. I consider these necessary to avoid uncertainty. I have also imposed the occupancy condition discussed in paragraph 11 above. It would be inappropriate to impose a condition requiring matching materials in view of the those specified in the application form and the distance of the outbuilding from the parent house.

George Arrowsmith

INSPECTOR