

Appeal Decision

Site visit made on 25 April 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 26th May 2017

Appeal Ref: APP/Q5300/W/16/3166188
2 Downes Court, Southgate, Enfield N21 3PS

- 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 and Mrs Andros and Nicola Papacharalambous against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/01291/Ful, dated 23 March 2016, was refused by notice dated 30 August 2016.
 - The development proposed is erection of a detached 2 storey single family dwelling house with new dropped kerb and vehicular access from Woodland Way.
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Decision

1. The appeal is dismissed.

Main Issue

2. In its appeal statement the Council has clarified its position regarding the distances between the proposed development and the properties at 138 Woodland Way and 2 Downes Court. As a result, it does not now consider that there would be a harmful impact on the privacy of the occupiers of those properties.
3. In the light of the above, the main issues are the effect of the proposed development on:
 - the character and appearance of the area and
 - the living conditions of a) neighbouring occupiers with particular reference to outlook and daylight and b) future occupants of the proposed development in respect of amenity space provision and outlook.

Reasons

Character and appearance

4. The appeal site comprises part of a rear garden and existing garage and driveway of a semi-detached house on the corner of Downes Court and Woodland Way. The area around the site is characterised by detached and semi-detached properties which generally have front gardens and more extensive rear gardens. Trees in the street and gardens give a leafy feel to the area. Woodland Way, next to the appeal site is a short cul de sac where at its
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head, three detached houses numbers 133, 135 and 137 Woodland Way were built in the 1970s.

5. The proposed new dwelling would be a modern part two storey and part single storey design with the first floor facing out towards Woodland Way. A new wall of around 2.4m in height would be built along the boundary with Woodland Way and the proposed new house would be accessed via a new gate and vehicular cross over off Woodland Way. The wall would be incorporated in to the design of the house and there would be a small courtyard just behind it. It would present a sense of an enclosed space when viewed from the street, with only the second storey of the property visible above the wall.
6. The proposed development would extend right up to the pavement edge on Woodland Way, which would be markedly different to the frontages of nearby properties where the houses tend to sit behind lower walls, fences or hedges. Although the houses at 133, 135 and 137 Woodland Way are on a private drive with a gate, they are more open in their individual settings. This contrasts with the proposed development which would effectively turn in on itself at ground floor level.
7. Unlike surrounding properties, the proposed development would not incorporate a rear garden. This, and the sense of enclosure evident along the frontage on Woodland Way, would jar with the pattern of development and the character of the surrounding area.
8. The louvered screen to be provided as part of the treatment on the elevation facing 2 Downes Court, would present an incongruous feature at first floor level when viewed from the street, as it would sit above a high wall. The appellants have offered to omit this screen from the development. However this would not overcome the sense of enclosure presented by the wall along the frontage.
9. The proposed development would exceed the sustainable residential quality density matrix in Policy 3.4 of the London Plan 2015 (the London Plan). The appellants argue that the proposal for one dwelling would not in itself be harmful to the character of the surrounding area and point to the example of an existing block of flats in nearby Lynwood Grove. However I consider that the nature and character of development on that street to be different to both Downes Court and Woodland Way in that it accesses directly on to a main road, and comprises two blocks of flats, a public house and a car park.
10. I conclude that the proposal would appear in the context of Woodland Way as a cramped form of development harmful to the character and appearance of the surrounding area.
11. I consider therefore that the proposal would be contrary to Policy 3.4 of the London Plan which seeks development of an appropriate density for its surroundings, and Policies DMD7 and DMD8 of the Enfield Development Management Document 2014 (the DMD) which require housing development to be of a high standard, of a scale and form appropriate to its surroundings, and which respects local character. Additional policies referred to by the Council do not take its case any further.
12. Notwithstanding these views and having regard to paragraph 132 of the National Planning Policy Framework, I consider that the proposed development

would not be harmful to the setting the Winchmore Hill and Vicars Moor Lane Conservation Area.

Living conditions

13. The design of the proposed development incorporates outdoor amenity space in the form of an enclosed courtyard. The space within this courtyard is around 44m². Although part of it would be taken up with an off road car parking space, the residual usable private amenity space is unlikely to fall below the minimum requirements for a three bedroomed dwelling as set out in Policy DMD9 of the DMD. It is the three bedroomed standard which is the appropriate one to use in this case as the proposal is for a three bedroomed house.
14. I consider that the proposed location of the car parking space in front of the ground floor bedroom window would not be harmful to the living conditions of the occupiers as light would still be provided through the window and supplementary light would be provided through the rooflight. Although the wall and the other elements of the ground floor development would be predominant in views out across the courtyard, I consider that there would be sufficient visibility above the courtyard wall to not lead to an unacceptable sense of enclosure from within the accommodation itself.
15. I therefore conclude that there would not be harm caused to the living conditions of future occupants as a result of the design of the ground floor accommodation, or the amount or location of the amenity space within the proposed courtyard.
16. The rear wall of the proposed house would adjoin the boundary with 4 Downes Court but the first floor rear elevation would be stepped away from it by around 1 metre and the roof would slope away from the boundary. Given this design and that the proposed house is separated from the house at 4 Downes Court by some distance, I consider that the proposed development would not have an overbearing impact on the outlook from the windows of house at 4 Downes Court. However it would be overly dominant from and create a sense of enclosure within, the rear part of the garden, impacting upon the enjoyment of the garden of 4 Downes Court.
17. The proposed house would sit to the side of and in front of 133 Woodland Way. I am satisfied from the light survey submitted by the appellants that there would be no material loss of light to 133 Woodland Way, although there would be some overshadowing of the front garden in the late afternoon. However, the elevations of the proposed house would have a materially greater impact on outlook from 133 Woodland Way than the existing wall and garage by virtue of their increased height and bulk and the proposed development would appear over dominant from the front ground floor and first floor windows of the property.
18. The proposed development would therefore be contrary to Policy 7.6 of the London Plan, Policy CP30 of the Enfield Plan Core Strategy, and Policies DMD7 and DMD8 of the DMD, which seek to ensure that new developments are well designed and do not harm living conditions and amenity.

Other matters

19. The proposed development would assist with housing supply in the borough but I am not persuaded that this outweighs the significant harm to character and appearance and living conditions as a result of the proposal.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR