
Appeal Decision

Site visit made on 9 May 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 7 June 2017

Appeal Ref: APP/Q5300/W/17/3167602
Car Park, Tudor Way, Southgate N14 6PS

- 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 Rovedale Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/03502/FUL, dated 29 July 2016, was refused by notice dated 4 November 2016.
 - The development proposed is described as “redevelopment of site and erection of 4 residential units comprising 3 x 2 bed self-contained flats and 1 x 3 bed house with amenity”.
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Decision

1. The appeal is allowed and planning permission is granted for “redevelopment of site and erection of 4 residential units comprising 3 x 2 bed self-contained flats and 1 x 3 bed house with amenity” at Car Park, Tudor Way, Southgate N14 6PS in accordance with the terms of the application, Ref 16/03502/FUL, dated 29 July 2016, subject to the conditions attached in the schedule to this Decision.

Procedural Matter

2. I have taken the description of development from the appellant’s statement of case, as this corresponds with that given in the Council’s decision notice.

Main Issues

3. The main issues are: (i) the effect of the development on the living conditions of neighbouring residents, with regard to outlook and loss of light, and; (ii) whether the development would provide suitable living conditions for future occupants, with regard to amenity space, noise and parking.

Reasons

Living Conditions: neighbouring residents

4. The appeal site is a car park located to the rear of The Broadway, which is a crescent-shaped parade comprising commercial uses on the ground floor with residential accommodation on the upper floors. The Broadway extends to three and four storeys in height. There are single storey garages to the rear, many of which have been converted to commercial uses. The site is bounded on all sides by Tudor Way, which provides service access to the commercial units. The surrounding area is mixed use in character.
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5. The proposed development would provide four residential units in an L-shaped block, comprised of one and two storey elements, with associated amenity space and bin storage. No off-street parking is proposed, although eight cycle parking spaces would be provided.
6. The Council explains that the development would not achieve the minimum separation distances between the existing and proposed development, as required by Policy DMD10 of the Development Management Document.¹ There are windows in the upper floors of the rear elevations of The Broadway, facing the site, and several appear to serve main habitable rooms. However, it is only the first floor windows which would be affected as the development would sit entirely below the levels of the windows at second and third floor level.
7. The appellant has submitted a series of site sections to show the building in the context of the existing development, using established guidance.² These diagrams show that the development would sit under the '25 degree line' of the lowest windows of the neighbouring residential properties. Therefore, the development is unlikely to have a substantial effect on the levels of light. The Council is concerned that the sections are insufficient as they do not clearly detail the effect on each window that may be affected. However, the three sections submitted show the effect on the windows that would be nearest to the two storey elements of the scheme. The impact on other windows would be less significant, as they would be further away. Consequently, I am satisfied that the methodology used by the appellant is robust, and it is unlikely that the development would have a material effect on levels of sunlight and daylight enjoyed by surrounding occupiers.
8. I note that the Council is also concerned about visual intrusion. The upper storey of the building would be set back from the western and southern ends of the block and it would include a central gap, which would reduce the total height and massing of the development. Therefore, I do not consider that the development would have an overbearing effect on the neighbouring properties.
9. To conclude on this issue, I find that the development would not have an adverse effect on the living conditions of neighbouring residents. It would, therefore, accord with Policies 3.5 and 7.4 of the London Plan (March 2015), Policies 4 and 30 of the Core Strategy³ and Policies 6, 8, 10, 37 and 38 of the Development Management Document which, in combination, seek to preserve amenity in terms of daylight, sunlight and outlook whilst achieving a high quality design that has regard to the area's local character.

Living Conditions – future occupants

10. The Council considers that the outlook for future occupants would be poor quality, due to the Tudor Way service access road that borders the site. I appreciate that the rear elevations of The Broadway are not especially attractive and the lack of surveillance may lead to fly-tipping. However, the development would make effective use of the vacant car park and would introduce levels of activity and surveillance into this otherwise dark and unwelcoming area. The development would have an active frontage and the amenity space offers the opportunity for landscaping to enhance the

¹ Development Management Document (DMD) 'Improving Enfield' adopted November 2014

² Building Research Establishment (BRE) publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2011)

³ Local Development Framework: Core Strategy 2010-2025 'The Enfield Plan', adopted November 2010

appearance of the development, and make a positive contribution to the wider area.

11. The Council is also concerned that the amenity space would be overlooked by The Broadway and would be close to the service access road. I accept that the garden areas would not be private. However, it is often not possible in urban areas to provide completely private garden space and a degree of overlooking is not unusual. The policy test is whether the amenity space would be good quality and not significantly overlooked. The size of the space is considered sufficient and the garden areas could be afforded more privacy through the provision of appropriate boundary treatment, which could be secured through a planning condition. Consequently, I conclude that the amenity space would be suitable to meet the requirements of future occupiers.
12. I have considered the Council's assertion about noise and disturbance from the service access road. A modest level of noise and activity can be expected in a mixed use urban area, and I do not consider that the scheme should fail for this reason. Moreover, the appellant has submitted a Noise Assessment (NA)⁴ that concludes that background noise levels are relatively low. Although the NA found noise levels to be marginally above guidance levels for residential development,⁵ measures could be implemented to ensure the noise levels inside all habitable rooms would meet the desirable noise levels, as set out in the guidance. These measures could be secured through the use of a planning condition.
13. The development is proposed to be car and permit free. Policy 6.13 of the London Plan promotes car-free development in locations with high public transport accessibility, such as the appeal site which has a Public Transport Accessibility Level (PTAL) of 5. The Council accepts that the development would not adversely affect the highway network, but is concerned that occupants of the three bedroom house, who are more likely to own a car, would not be able to park near to their home due to parking restrictions. Although having to park some distance from home would be inconvenient, future occupants are unlikely to be dependent on a car, given the site's PTAL rating. There is on-street parking nearby which could serve the needs of disabled residents.
14. I conclude on this issue that the development would provide suitable living conditions for future occupants. It would, therefore, accord with Policies 3.5, 6.13 and 7.4 of the London Plan, Policies 4 and 30 of the Core Strategy and Policies 6,8,9,37, 38 and 45 of the Development Management Document which in combination, seek to secure high standards of design, whilst also promoting the use of cycling, walking and public transport.

Other Matters

15. The site lies within the Southgate Circus Conservation Area. The Council's Conservation Area Character Appraisal⁶ attributes the significance of the heritage assets to the architecture, in particular, the Underground station and its associated transport interchange and shopping parades. The Broadway is identified as a building contributing to the special interest of the area, although its character differs from the modernist station complex.

⁴ Report No 0303.1 Rev 0 May 2016

⁵ BS 8233: 2014

⁶ Enfield Council Southgate Circus Conservation Area Character Appraisal, approved June 2015

16. I have considered the concerns of the Southgate District Civic Trust, the Conservation Officer and local residents, with regard to the effect of the development on the character and appearance of the Conservation Area. However, I note that the Council recognises the appeal site is not visible from the station complex or the Southgate Circus, and views from surrounding streets are limited. The development would be seen in the context of the rear elevations of The Broadway, and the surrounding more modern development. The scale and massing of the development would be appropriate to the constraints of the site. Overall, I agree with the Council that the development would preserve the character and appearance of the Conservation Area. I also find that the development would preserve the setting of the listed buildings due to the separation distance and the screening provided by The Broadway.
17. In terms of retaining the site for parking or a community use, as suggested by several third parties, there is no evidence that such a use would be viable or that a community development would be forthcoming.
18. I note concerns about noise and disturbance generated by future residents. However, given the ambient noise levels, this is unlikely to be significant. Noise and disturbance during construction can be controlled though the use of an appropriate condition. The development includes adequate provision for bin storage and recycling facilities, which would address third party concerns about refuse disposal.
19. There are concerns about overlooking from the development, however, the Council has not raised any objections in this respect and there is limited evidence to demonstrate there would be a material loss of privacy.

Conditions

20. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. I have not imposed the second plans condition suggested by the Council, as this would be duplication and is not necessary.
21. I have imposed conditions relating to materials, landscaping (including boundary treatment and re-instatement of the footway) and bin storage to ensure the development complements and improves its surroundings.
22. A condition to ensure the cycle parking is provided is necessary to promote the use of alternative modes of transport. I have imposed the Council's condition requiring the development to meet the Lifetime Homes Standards, as required by local policy, to ensure flexible accommodation is provided.
23. Although the Council has not suggested a noise condition, I have imposed a condition requiring sound insulation to ensure the development provides suitable living accommodation. I have also imposed a condition requiring a Construction Method Statement, given the constraints of the site and its proximity to neighbouring residential uses. I have imposed a drainage condition to ensure surface water drainage is properly managed.
24. The development is proposed to be car free, and it is clear that the Council has considered the development on this basis. However, the Council has not suggested any conditions to secure this, and there is no evidence before me to demonstrate that, with the exception of the Tudor Way service access road, the surrounding roads are under parking stress. In fact, the appellant's Transport

Statement⁷ concludes that there is spare capacity on part of Tudor Way and surrounding roads. Consequently, a condition to restrict residents' from applying for daytime parking permits is not necessary.

25. I have not imposed the Council's proposed condition requiring details of access, as this is shown on the site layout plan. I have not imposed the suggested condition restricting plumbing or external pipes, as there is no evidence that it is necessary.

Conclusion

26. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector

⁷ Ref 1630/FPEC dated May 2016

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:
 - Site Location Plan TWC-DS-01-ZZ-DR-A-P001 Rev P1
 - Site Layout Plan TWC-DS-01-ZZ-DR-A-P002 Rev P0
 - Proposed Ground Floor Plan TWC-DS-01-GF-DR-A-P101 Rev P0
 - Proposed First Floor Plan TWC-DS-01-01-DR-A-P102 Rev P0
 - Proposed Roof Floor Plan TWC-DS-01-02-DR-A-P103 Rev P0
 - Proposed South Elevation TWC-DS-01-ZZ-DR-A-P202 Rev P0
 - Proposed East Elevation TWC-DS-01-ZZ-DR-A-P201 Rev P0
 - Proposed West Elevation TWC-DS-01-ZZ-DR-A-P203 Rev P0
 - Proposed North Elevation TWC-DS-01-ZZ-DR-A-P204 Rev P0
 - Proposed Section A-A TWC-DS-01-ZZ-DR-A-P301 Rev P0
 - Proposed Section B-B TWC-DS-01-ZZ-DR-A-P302 Rev P0
- 3) No development shall take place until samples/a schedule of all materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) pedestrian access and circulation areas, including re-instatement of the footway on Tudor Way;
 - iii) hard surfacing materials.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development shall not be occupied until refuse storage facilities, including facilities for the recycling of waste, have been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. The refuse storage facilities shall be retained as such thereafter.

- 7) The development shall not be occupied until cycle parking facilities have been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be retained as such thereafter.
- 8) The development hereby permitted shall not be occupied until a scheme to provide sound insulation for habitable rooms against externally generated noise has been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. The sound insulation works shall be retained thereafter.
- 9) No development shall take place 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 construction works;
 - viii) delivery and construction working hours.

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

- 10) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 11) All the units shall comply with Lifetime Home standards in accordance with details to be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

[end]