

Appeal Decision

Site visit made on 27 June 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 06 July 2017

Appeal Ref: APP/Q5300/D/17/3174659
112 Clay Hill, Enfield, London, EN2 9AE

- 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 Dr Rachel Ryan against the decision of London Borough of Enfield Council.
 - The application Ref 16/05288/HOU, dated 16 November 2016, was refused by notice dated 13 February 2017.
 - The development proposed is removal of soil filled area of front garden and construction of a retaining wall to allow parking space to be moved from driveway to flat based parking space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The works for which planning permission is sought had been started at the time the planning application was submitted, and apparently finished by the time of my site visit. The retrospective nature of the proposal does not affect my consideration of its planning merits.
3. I appreciate that, having first consulted the Planning Portal, the appellant was not sure why planning permission was needed for her proposal. Nonetheless, an application was submitted and an appeal subsequently lodged, which it is my duty to decide.

Main Issues

4. I consider that these are the effects of the proposal on firstly, the character and appearance of the site and the local street scene; and secondly, the sustainable handling of surface water drainage and possible consequences for the risk of flooding elsewhere.

Reasons

5. The appeal property is a semi-detached house on elevated ground above the public highway. From photographic evidence, it seems that there used to be an inclined driveway leading up to a narrow attached garage. There is now no
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garage and steps replace the drive. Instead a retaining wall has created a single parking space on the property, adjoining and parallel to the footway, accessed from a pre-existing crossover.

First main issue – effect on character and appearance

6. The wall and parking space (and associated steps) present a “hard” surfaced frontage filling most of the width of the appeal site. This is in contrast the prevailing frontages along Clay Hill, which mainly comprise well-weathered low brick walls and attractive front garden planting. These give a pleasant and mature suburban character to this section of the road. The contrast is made more stark by the light colour of the paving on the parking space and in particular of the retaining wall brickwork, which is of considerable height (1.6 metres). Some planting has been installed in a narrow bed at the top of the retaining wall, which may hang down in due course, and at the top of the former drive (now outside what appears to be living accommodation). No details have been provided of this planting. Thus I am unable to gauge how successful it might be in mellowing and softening the appearance of the site.
7. The proposed hardstanding would not be the only one along this stretch of Clay Hill. I do not know if the others required or obtained planning permission. Moreover, such features occur only on quite a small minority of properties. By and large, these other existing features have succeeded in retaining more noticeable amounts of planting than on the appeal site, and thus have a less obtrusive appearance in the local street scene.
8. The works appear to have been carried out to a satisfactory standard of construction. However, there is no scaled plan to show clearly what has taken place. Consequently, even if I had been minded to grant planning permission, there is no drawing to be referenced to show exactly what would be approved, in the interests of certainty.
9. I conclude that the proposal detracts significantly from the character and appearance of the site and the pleasant well-planted ambience of the local street scene. This brings it into conflict with Policies DMD 8 & 37 in the Enfield Development Management Document (2014); Core Policy 30 in The Enfield Plan Core Strategy (2010); and Policy 7.4 in the London Plan (2015). Among other things, these policies seek to ensure that hardstandings do not dominate a residential frontage; and that proposals demonstrate good design and respect the local context and quality of the built environment. The proposal would also fall short with regard to the high quality of design that the National Planning Policy Framework recognises to be a core planning principle of sustainable development.

Second main issue – effect on surface water drainage and flood risk

10. Adopted Policy DMD 59 (and associated policies) concern avoiding and reducing flood risk. They require surface water to be managed as part of all development to reduce run-off. One way of doing this is to prevent the loss of permeable surfaces/areas of soft landscaping.
11. The proposal is small in scale and has a drainage channel along the boundary with the footway. However, some soft landscaping has been lost, and I have no information as to where the site drains. The appellant has not

demonstrated that there would be no contribution to the risk of flooding elsewhere arising from additional surface water run-off leaving the site. The impact would no doubt be small, but the local development plan takes a firm stance on this matter, reasoning that the cumulative effect of minor development can contribute significantly to run-off and consequent flood risk elsewhere. A lack of information means that compliance with this policy cannot be properly assessed.

12. I conclude that the proposal lacks evidence of the sustainable handling of surface water drainage and is therefore unable to show that it would not contribute to the risk of flooding elsewhere. This is contrary to local development plan Policies DMD 59, 60 & 61 and Core Policy 28, and to general provisions on sustainable drainage in Policy 5.13 of the London Plan.

Overall conclusion

13. I have found against the proposal with respect to both main issues. To some extent, this may be due to a paucity of supporting information. However, in its absence, I have to decide the appeal on what is before me, and in the light of a range development plan policies that weigh significantly against the proposal.
14. Thus planning permission should be withheld and I dismiss the appeal.

G Garnham

INSPECTOR