



Appeal Decision

Hearing held on 21 June 2017

Site visit made on 21 June 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 21 July 2017

Appeal Ref: APP/Q5300/W/16/3163001 70a-72 The Ridgeway, Enfield, EN2 8JB

- 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 David Holmes (Shanly Homes) against the decision of the London Borough of Enfield.
 - The application Ref 16/01782/FUL, dated 25 April 2016, was refused by notice dated 26 July 2016.
 - The development proposed is described as '*demolition of 70a and 72 The Ridgeway and development of a block containing 9 No. apartments with associated vehicular access, landscaping and bin store*'.
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Preliminary matters

1. At the Hearing the appellant tabled a Signed Statement of Common Ground, a copy of a completed and signed Unilateral Undertaking (UL), a Tree Protection Plan, June 2017, and Dwg 1299/Pln/204 Bin Store details. The Council were familiar with all four documents and supported their submission. All were of assistance to the Hearing and concerned detailed matters only. I accepted them on this basis.

Affordable Housing and education contributions

2. Reason 3 of the Decision Notice (DN) advises that the proposal fails to provide a sufficient level of affordable housing. The Council agreed a sum for offsite provision in a draft UL submitted with the appeal but objected to payment dates. The Council advised that they had agreed dates in the completed UL.
3. The Council advised that a sentence "*The proposal also places undue burden on education provision within the borough*" in Reason 3 was an error. Infrastructure contributions would be secured through a Community Infrastructure Levy (CIL) payment. Therefore Reason 3 of the DN had been overcome. The appellant confirmed that they understood this to be the case.
4. The Council clarified that an unnamed report submitted to the Council at the application stage was from Richard Horten, a local resident.

Decision

5. The appeal is dismissed.
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Main Issues

6. In light of the preliminary matters the main parties present at the Hearing agreed that the main issues were:
 - i. The effect of the design of the proposed development upon the character and appearance of the locality, and
 - ii. Whether or not the proposal provides satisfactory living conditions for future occupiers of the scheme.
7. In the section "other matters" I deal with objections raised at the Hearing by Stephen Woods, occupier of a dwelling at 50 Woodridge Close which adjoins the site. I also review provisions for affordable housing and contributions.

Reasons

Character and Appearance

8. A previous appeal scheme was dismissed in August 2016¹ where the Inspector noted that this predominantly residential locality is characterised by development which is generally set back from roads by landscaping and/or parking (paragraph 4). She also noted that the site is prominently located between the junctions of Woodridge Close and Fairview Road with the Ridgeway, and is visible from all three roads (paragraph 5). She found that *"the proposed [2 storey] apartment building would be located in close proximity to all three roads, and in particular would be much closer to the Ridgeway than the current buildings. Its scale and mass would also be significantly greater than the existing houses on the site. As such it would be a very prominent addition to the street scene"* (paragraph 6).
9. The current 2.5 storey scheme would also be significantly greater than the existing houses on the site, would extend close to the side boundaries and the front elevation would be closer to The Ridgeway than the previous scheme.
10. There isn't a rigid building line, some buildings are set back further than others, but most buildings of a scale comparable to the appeal proposal are generally set further back from The Ridgeway. There may also be other developments with similar amounts of site coverage and ones with larger footprints but the appeal scheme has other characteristics which are quite different. In particular, the positioning of relatively long elevations close to three road boundaries, and the location of a large amount of development close to the corner of Fairview Road with The Ridgeway.
11. Trees on the corner with Woodridge Close and a tall boundary wall would partially restrict views but would not mitigate the prominence of the building. The building would appear to be set back only a short distance behind the boundary walls on three sides and there would be little appreciation of limited amounts of landscaped areas around the building. I am not persuaded that these aspects would create a feeling of a development in a spacious setting or that the development would have an active frontage. Nor would they mitigate the feeling of the prominence of the building.
12. The design would address all three roads. Various stepped elements and gables would create an impression of different building components and the

¹ Appeal Decision APP/Q5300/W/16/3147619

- use of gables and dormers would hide a crown roof construction and break up the apparent bulk of the building. However, these details would only partially mitigate the perception of the overall scale and mass of the building, and would do little to mitigate the effects of siting.
13. There is no predominant architectural style in the locality and the fenestration reflects details of houses on Fairview Road. However I found that developments on The Ridgeway in the immediate locality of the site, and with which the scheme would be mostly seen, have predominantly relatively plain and simple roof forms. The contrasting complexity of the appeal scheme would draw attention and appear discordant.
 14. The Council does not object to the height or number of storeys, and nor do I. The scheme does not include garage blocks which added to concerns in the previous appeal. Car parking would be to the rear, away from The Ridgeway. But these are not factors in favour; rather they are neutral in effect.
 15. The Council argued that on the basis of the number of habitable rooms the development would exceed density guidelines in London Plan (LP) Policy 3.4. However, in relation to the total number of units it would comply with Table 3.2. The supporting text advises that this policy should not be applied mechanistically. The Council's approach included calculating the number of rooms a large room could be subdivided into. I am not persuaded that the proposal fails to comply with LP Policy 3.4, Enfield Core Strategy, 2010, (CS) Core Policy (CP) 5 or advice in the National Planning Policy Framework (Framework) in relation to optimising density.
 16. Nor have I found evidence to say that the proposal fails requirements of the Enfield Development Management Document, 2014, (DMD) Policy DMD10: Distancing. The application was accompanied by a Design and Access Statement and therefore I find no conflict with DMD Policy DMD38.
 17. Nonetheless, I conclude that the scale and prominent siting of the building close to three road frontages would result in a very prominent development in the street scene. It would appear incongruous and out of keeping with the character and appearance of the locality.
 18. The proposal is therefore contrary to aims of LP Policies 7.4 and 7.6, CS Policy CP30, DMD Policies DMD6(a), DMD8 and DMD37 which, amongst other things, seek to ensure that new development is appropriate to the existing pattern of development and achieves a high quality design that is appropriate to local context and reinforces a place's identity. The proposal would also fail to satisfy advice in the Framework for good design that reinforces local distinctiveness.

Living conditions for future occupiers

Communal space

19. The proposal satisfies the requirements of Policy DMD9 1) for private amenity space. In addition the Policy requires that a communal amenity space is provided. Dwg 1299/Pln212 shows a communal grassed area to the rear. This would be behind a high boundary wall, overlooked by windows of the apartments, of sufficient area and regular shape to afford a functional and usable sitting out area and it would have a reasonable aspect. I find no conflict with LP Policy 3.5, CS Policies CP4 and CP30 and DMD Policies DMD8 and DMD9 in relation to provision of good and high quality communal space.

Outlook

20. Flat No 1 would have a reasonable outlook from some windows but the sitting room would have a single outlook towards a high brick wall at a range of approximately 3m. This very restricted and enclosed outlook would be oppressing. The private amenity space would be approximately 15m wide, but this would not mitigate the outlook from within the room.
21. Flat No 2 would have a second window to a kitchen/dining room and a window to a separate sitting room facing onto the immediately adjacent communal landscaped space. Shrub or other planting could be designed to afford a barrier or separation. Overall the potential effects of the close proximity would be balanced by an outlook onto this space.
22. Flat No 3 would have bedroom windows facing the car parking area. The window to the master bedroom would be only 3-4m from the closest spaces and the path from the parking area would run alongside, close to this window. I am not persuaded that there is sufficient space for landscaping to satisfactorily mitigate the impacts without unduly enclosing this outlook.
23. I conclude that the layout in relation to Flats No's 1 and 3 would fail to provide future occupiers of these dwellings with a good standard of amenity. In this way the proposal fails to satisfy aims of LP Policy 3.5, CS CP30 and DMD Policy DMD8 for provision of attractive well-designed and functional layout and one of the core planning principles at paragraph 17 of the Framework.

Other matters

Effect upon living conditions of occupiers of 50 Woodridge Close

24. No 50 has a side boundary with the rear boundary of the appeal site. In the side elevation are first floor roof light windows to bedrooms and obscure glazed dormer windows to ensuite bathrooms. The proposed scheme includes external balconies to a first floor apartment and a second floor apartment from which there could be a view toward No 50. However, there is an existing rear facing first floor balcony at No 70a which is noticeably closer to No 50 than the proposed. A high wall would enclose a second floor terrace and limit the potential for overlooking. The Council raise no objection to the separation distances.
25. A bin store quite close to the boundary with No 50's side garden would have a blank brick rear elevation and tiled roof. In terms of dominance and visual impact it would not be too dissimilar to the effects of a domestic garage. The doors would be on the opposite side and there is nothing to say that it would not be well managed or that it would become infested by vermin or subject to any greater attention from urban foxes than other refuse bins might be.
26. From what I heard and saw I am not persuaded that there would be a materially adverse impact upon the living conditions of the occupiers of No 50.

Affordable Housing provision

27. CS Policy CP3 requires developments of less than 10 dwellings to provide a contribution to deliver off site affordable housing based on a Borough wide target of 20%². This is reiterated in Policy DMD2.

² Based on the findings of the Enfield Affordable Housing Economic Viability Study (2009)

28. The Planning Practice Guidance³ (PPG) sets out specific circumstances where contributions for affordable housing should not be sought from small scale and self-build development. The PPG advises that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1,000m² gross internal area⁴. The proposal exceeds 1,000m². Therefore it is appropriate to seek a contribution.
29. The sums of money specified in the completed UL fully accord with the conclusions of an Independent Viability Assessment (IVA) of the proposal undertaken on behalf of the Council⁵ which follows the Council's formula for calculating affordable housing contributions⁶.
30. I am satisfied that the provisions of the completed UL are necessary for off-site affordable housing provision in lieu of on-site provision in accordance with Policy CP3, directly related to the proposed development, and fairly and reasonably related in scale and kind to the development.

Contributions to infrastructure

31. The Community Infrastructure Levy (CIL) Regulations (2010) allow a Council to charge a local levy on development to fund chargeable development infrastructure. The approved CIL Schedule of the Mayor of London 2012, requires a contribution of £20m² for development in Enfield and the Council's approved 2016 CIL Schedule requires a contribution of £120m² in this location. The IVA⁷ demonstrates that the required contributions would be directly related to the scale of development proposed and have been taken into consideration in the viability assessment, but not specified in the UL. They would be necessary to make the development acceptable in planning terms and would meet the requirements of CIL Regulation 122.

Conclusions

32. The proposal would deliver nine units of accommodation which would contribute towards the supply of windfall housing anticipated in the Council's housing land supply provisions and the Government's aim to deliver a wide choice and boost significantly the supply of housing as set out in Chapter 6 of the Framework. In addition the proposal would deliver a contribution towards 20% affordable housing and other infrastructure related to the development. I attach a moderate amount of weight in favour of these benefits.
33. Against this I found that the development would be harmful to the character and appearance of the locality and would fail to ensure a good standard of amenity for all future occupiers of the proposed development. In these ways the proposal does not comply with requirements of the Development Plan and advice in the Framework. Therefore, and having taken all other matters raised into consideration, I conclude that the harms I have found outweigh the benefits of the scheme and the appeal is dismissed.

Helen Heward

PLANNING INSPECTOR

³ Paragraphs 013-017, 019-023 and 031

⁴ Paragraph: 031 Reference ID: 23b-031-20161116 Revision date: 16 11 2016

⁵ Enfield Statement of Case, Appendix 4: Douglas Birt Consulting 25 July 2016

⁶ Set out in the Enfield Section 106 Supplementary Planning Document (2011) and equivalent to 20% of the sales value of the total no of new units net of existing units.

⁷ On the basis of 738m² net additional gross floor area.

APPEARANCES

FOR THE APPELLANT

Participating

Andrew Williams MRTPI
Alice Suttie MRTPI
Steve Mellor MRTPI

Boyer Planning
Boyer Planning
Planner, Shanly Homes

Observing

Tom Doughty
Mike Franklin
Ian Rintoul
James Kello

Land Director, Shanly Homes
Agent, Lanes

FOR THE LOCAL PLANNING AUTHORITY

Andrew Slaney
Maria Dimitri

Senior Urban designer Enfield Council
Senior Planning Officer Enfield Council

THIRD PARTIES

Stephen Woods
Mr Shilling
Martin Sloggett

50 Woodridge Close
101 The Ridgeway (in part only)
28 Hansart Way (in part only)

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed copy of Statement of Common Ground dated 20 June 2017
2. Signed copy of Unilateral Undertaking dated 14 June 2017
3. Dwg 1299/Pln/204 Bin Store details
4. Tree Protection Plan June 2017, and
5. Copy of the Council's notification letter of date and time of Hearing.