
Appeal Decision

Site visit made on 27 July 2017

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 01 August 2017

Appeal Ref: APP/Q5300/D/17/3177820
186 Green Lanes, Southgate, N13 5UE

- 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 Harry Tsannos against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/00213/HOU, dated 18 January 2017, was refused by notice dated 14 March 2017.
 - The development proposed is a new crossover to the rear of 186 Green Lanes (to enable relocating of 1 existing parking space from the front to the rear of the property).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council, in its decision notice, refers to its Revised Technical Standards for Footway Crossovers - excluding Heavy Duty Crossovers (the Technical Standards). I have afforded some weight to that document due to its role in supporting the relevant development plan policies.

Main Issues

3. The main issues are:
 - i) the effect of the proposed works on the character and appearance of the surrounding area, with particular regard to the effect on the health of the adjacent street tree;
 - ii) whether or not the proposed additional parking provision on the site would comply with the principles of sustainable development having regard to local and national planning policies.

Reasons

Character and appearance

4. The cul-de-sac road to the rear of the site has properties of Green Lanes backing onto it. In terms of vehicular access, it specifically serves properties at and near to the end of the road, which have parking areas accessed from it, and an entrance to the school on the opposite side. There are also some rear pedestrian accesses to the Green Lanes properties, and the road is used for on-street parking on one side. It is therefore well used and, despite not benefitting from properties fronting onto it, has a fairly pleasant verdant

character due to a number of well-established street trees in the verge along the side which is adjacent to the rear of the Green Lanes properties.

5. One of those trees is positioned immediately to the rear of No 186 and contributes positively to that verdant character, albeit that it is currently in a state of having been significantly pruned. I have not received any evidence to suggest that it is nearing the end of its natural life or is in decline, that it has outgrown its location or is programmed to be replaced.
6. The proposed cross-over that would be formed as a result of creating a vehicular access to the site, would be in close proximity to the base of the trunk of that tree at a distance less than the minimum standard as set out in the Technical Standards. As such, there would be a risk that roots would be damaged during construction of the access, and that any future root growth would be impeded. I have not received any detailed tree survey analysis, including in respect of identifying the extent of the roots, to indicate otherwise. Any such root damage would in turn have the potential to cause material damage to the health and survival of the tree to the detriment of the street's existing verdant character.
7. I have had regard to whether tree survey analysis could be secured by condition. However, due to the close proximity of the tree and high likelihood of root presence, such work could demonstrate that it would not be possible to construct any form of cross-over without causing material root damage. A condition would therefore be inappropriate in this case.
8. There is a mature tree in fairly close proximity to the vehicular access and parking area to the rear of No 202, which the appellant highlights as having survived. However, I do not have details of the circumstances relating to the formation of that access and associated parking area, and in any case have determined this appeal on its own merits.
9. For the above reasons, in the absence of any substantive evidence to the contrary, I conclude on this issue that the proposed works would be likely to cause unacceptable harm to the character and appearance of the surrounding area, with particular regard to its effect on the health of the adjacent street tree. As such, in respect of this issue, it would be contrary to Core Policy 30 of The Enfield Plan Core Strategy (the Core Strategy), policy DMD46 of the Development Management Document: Improving Enfield (the DMD) and the Technical Standards which together seek, amongst other things, to ensure no loss of street trees due to the formation of vehicle crossovers and to reverse the decline in the loss of street greenery.
10. The Council, in its decision notice, also refers to policy DMD80 of the DMD. However, that relates to trees on development sites. As the tree referred to above is not on the development site, albeit being adjacent to it, that policy is not directly relevant in this case.

Amount of on-site parking

11. There is currently provision for on-site parking at the front of the property, accessed from Green Lanes and the Council considers that this could accommodate at least 4 cars, and highlights that the relevant maximum parking standard is for 2 to 1.5 spaces. However, that parking area is not formally laid out and it is unclear as to how many cars could be accommodated

at any one time whilst also enabling ease of access and egress. That would be best achieved if both were possible in a forward gear, particularly due to the heavy traffic flow on the road. That in turn would require turning space on the site which would significantly restrict the amount of parking. In that context, the creation of an additional parking space to the rear would be unlikely to result in a materially less sustainable situation in respect of the number of cars that could be appropriately parked on the site.

12. For the above reason, I conclude on this issue that the proposed additional parking provision on the site would not compromise the principles of sustainable development having regard to local and national planning policies. As such, in respect of this issue, it would not be at odds with policy DMD45 of the DMD and London Plan policy 6.13 which together relate to developments making appropriate provision for parking having regard to parking standards and seeking to minimise car parking, and to promoting sustainable transport options. It would also not be at odds with the National Planning Policy Framework which, in section 4 relates to promoting sustainable transport.
13. The Council in its decision notice also refers to Core Policy 30 of the Core Strategy in respect of this issue. However, that relates to maintaining and improving the quality of the built and open environment and is not directly related to this issue. It also refers to policy DMD46 of the DMD which relates more specifically to vehicle crossovers than to the principle of creating additional off-street parking, and so is again not directly relevant to this issue.

Conclusion

14. I have found that the proposed additional parking provision on the site would not compromise the principles of sustainable development having regard to local and national planning policies. However, this does not deflect from my finding that the proposed works would be likely to cause unacceptable harm to the character and appearance of the surrounding area, with particular regard to its effect on the health of the adjacent street tree.
15. Therefore, for the above reasons the appeal should be dismissed.

Andrew Dawe

INSPECTOR