

Appeal Decision

Site visit made on 5 July 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 04 August 2017

Appeal Ref: APP/Q5300/W/17/3173472

10 Fairgreen, Enfield North, Enfield EN4 0QS

- 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 Jignesh Patel against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05168/FUL, dated 10 November 2016, was refused by notice dated 5 January 2017.
 - The development proposed is described as "Demolition of one existing house. Construction of one new house."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers at No 12 Fairgreen with particular regard to outlook and light.

Reasons

Character and Appearance

3. Fairgreen has a mixed character and different ages of development. There is no one prevalent architectural style within the street. The houses are predominantly detached one and two-storey dwellings, with the exception of the large two-storey flatted block at Fairgreen Court. Though varied in design and size, most of the two-storey dwellings have relatively simple roofs and a common vertical emphasis to their fenestration. The houses on this part of Fairgreen lie on plots of different sizes and shapes.
 4. No 10 is a bungalow with a large hipped roof with a single front dormer. It lies between two large two-storey detached houses at Nos 8 and 12, both of which have hipped roofs. The existing bungalow and attached garage cover the majority of the width of the plot. The road bends twice close to the appeal site, with No 12 angled away from No 10 on the second bend.
 5. The width of the proposed dwelling largely replicates that of the existing bungalow. However, the proposed development of a two-storey house with rooms in the roof would be of greater depth and height than the existing
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bungalow and would extend further to the front of the site than the existing building line. Given the location of the proposed house close to bends in the road, the large asymmetric front gable of the property and its overhanging cat-slide roof would be highly visible from the street on rounding either bend. While the overall height of the proposed house is similar to No 8, the depth and height of the proposed projecting gable and cat-slide roof would cause the proposed house to be unduly prominent from the street. The proposed house's overall bulk, exacerbated by the projecting front gable and large roof, would make it appear cramped within the site and would not maintain the rhythm of development within the street. By reason of its scale relative to the existing bungalow, the proposed house would also lead to a loss of openness within the street scene.

6. Furthermore, the gable end with a first floor pitched roof on the side elevation adjacent to No 8 would be incongruous and would draw the eye to the uncomfortable relationship created between the hipped roofs of No 8 and the more contrived roofing proposed at No 10. Both the front and side gable features would have a negative effect on the character and appearance of the area.
7. In addition to the overhanging cat-slide roof and the gables, the proposed house would have flat, pitched, and curved roofs. The proposed house would also have an assortment of fenestration sizes and shapes. Though some of the proposed windows are set out at regular intervals, the overall impression is one of disorder, particularly on the front and rear elevations. I note the Arts and Crafts influences referred to in the appellant's design and access statement. However, as a result of the number of architectural elements used, the proposed house does not have a single strong architectural style. This is particularly evident when considering the confused mixture of proposed roofs and fenestration. The resultant ensemble lacks architectural subtlety and would detrimentally affect the character and appearance of the area.
8. The appellant has referred to the building footprint and internal floorspace to site area ratios in respect of the proposed house and Nos 8 and 12. While I note the ratios provided, it is the positioning, height, bulk and depth of the proposed house and its architectural details which together would cause harm to the character and appearance of the area.
9. The appellant points to other large detached houses on Fairgreen, both those that are well-established and those resulting from more recent planning permissions. Although I acknowledge the architectural variety within the street, I do not consider that any of the examples provided are directly comparable to the appeal scheme or would represent a compelling reason to find in favour of a scheme that would cause the harm I have identified in this instance.
10. Despite the use of appropriate materials, I conclude that the proposed house would have discordant features and would be overly prominent and obtrusive due to its height and depth when viewed from the road. Although reasonably localised in its extent, the proposal would adversely affect the character and appearance of the area.
11. Consequently, the proposed house would be contrary to policies 3.4, 7.4 and 7.6 of the London Plan 2016, policy CP30 of The Enfield Plan Core Strategy 2010 (Core Strategy) and policies DMD6, DMD8, and DMD37 of the Improving Enfield Development Management Document 2014 (IEDMD). The proposal

would also be contrary to a core planning principle of the National Planning Policy Framework (the Framework), which seeks to secure high quality design.

12. Policy 3.4 requires consideration of local context and character and the design principles set out in the London Plan. Policies 7.4 and 7.6 set out criteria to ensure high quality design which has regard to the pattern, grain and architectural features of development in the locality. Policies CP30 and DMD37 both set out general design principles to improve the quality of Enfield's built and natural environment. Policy DMD6 provides standards for new development with regards to scale and form of development, housing quality and density. DMD8 provides general standards for new residential development and reiterates the requirement for a development to be of an appropriate scale, mass and bulk.

Living Conditions

13. The existing bungalow lies close to the boundaries with Nos 8 and 12 Fairgreen. No 10 has a hipped roofed garage and other single-storey structures situated adjacent to the boundary with No 12. No 12 has a flat-roofed single storey structure running up to the boundary, with a garage to the frontage and the dining area of the kitchen to the rear. At first floor level, there are no windows in the side elevation of No 12. The nearest rear windows of No 12 to the proposed house are those serving the ground floor dining area and the first floor bedroom. A patio area lies outside No 12's ground floor dining area. There is a fence and established vegetation running along the boundary. These obscure the views between the properties to some extent at ground floor level.
14. The proposed house would have an extensive side elevation facing towards No 12. This elevation would include a large flat-roofed single-storey structure adjacent to the boundary, with a cat-slide roof rising up to the highest point of the proposed house. The cat-slide roof would overhang the proposed house to the frontage, creating a considerably deeper and taller roof than that of the existing hipped roofed bungalow. The proposed house also includes a projecting single storey structure to the rear of the house, with a partially curved and partially flat roof.
15. Although the first and second floors of the proposed house would be set back from the boundary, the overall height and depth of the proposed house would be substantial. With regard to its relationship with the rear of No 12, the depth of the proposed house would be particularly significant. The proposal includes a large single-storey structure to the rear, which would lie close to the boundary with No 12. Although the single-storey element would increase the depth of the proposed house, it would have a lesser effect on the dominance of the proposed house than the first and second floor elements. However, given the overall depth and bulk of the proposed house and its proximity to the angled boundary with No 12, the proposed house would be oppressive and overly dominant. This would give rise to an increased sense of enclosure for No 12 and would impair the outlook from the nearest habitable room windows and garden at No 12.
16. The side elevation of No 12 faces south-east, while the rear patio area, ground floor dining area and first floor bedroom window nearest to No 10 face south-west. The appellant has provided an overshadowing study showing sunlight at different times of day and the year. This study indicates that the effect of the proposed house on sunlight and daylight would be very minimal. I concur with

the findings of this study. As such, I do not consider that the proposed house would cause harm to the living conditions of neighbouring occupiers at No 12 in respect of light.

17. I find that the proposed development would not have an adverse effect on living conditions in respect of light to No 12. However, harm would still be caused to living conditions with regard to the outlook of the occupiers of No 12. This would arise as a result of the overall height and depth of the proposed house and its siting and proximity to the boundary with No 12.
18. The proposal would therefore be contrary to policy DMD8 of the IEDMD and the Framework. Policy DMD8 provides general standards for new residential development and confirms the need for developments to preserve living conditions, including outlook. Additionally, a core planning principle of the Framework seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
19. Policies CP30 of the Core Strategy and Policies DMD6 and DMD11 of the IEDMD have been referred to in the Council's decision notice, but do not appear to be directly relevant in this instance as they either fail to refer to living conditions or are only applicable to extensions.

Other Matters

20. I note that the existing bungalow and its neighbours could be subject to further extensions under permitted development. However, the proposal before me would not fall within permitted development rights. The appellant may exercise permitted development rights and construct extensions to the rear of the existing bungalow, but I have limited substantive evidence that they will do so. Even if they were to do so, extensions built under permitted development would not cause the harm identified in relation to the proposed development.
21. The Council is supportive of the principle of development in terms of the number of bedrooms to be provided. The Council's delegated report recognises that provision of a 6 bedroom house is in keeping with both Enfield's Strategic Housing Market Assessment (2010) and policy CP5 of the Core Strategy as there is an acknowledged need for larger family houses. This is a matter that weighs in favour of the proposal.
22. These matters do not alter my findings on the effect of the proposed development on the character and appearance of the surrounding area and neighbours' living conditions in respect of outlook.

Conclusion

23. For the reasons given above, and having had regard to all other matters raised, the appeal is dismissed.

J Gilbert

INSPECTOR