



Appeal Decision

Site visit made on 4 July 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/Q5300/W/17/3168557

Land to rear of 98-102 Green Street, Enfield EN3 7HP

- 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 Mrs Sarah Kalickstein against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/03333/FUL, dated 21 July 2016, was refused by notice dated 18 October 2016.
 - The development proposed is alterations and additions to an existing single storey building which was used previously for ancillary purposes to an adjacent public house to provide a single storey detached 1 bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and additions to an existing single storey building which was used previously for ancillary purposes to an adjacent public house to provide a single storey detached 1 bedroom house at land to rear of 98 to 102 Green Street Enfield EN3 7HP in accordance with the terms of the application, Ref 16/03333/FUL, dated 21 July 2016, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The decision notice omits a number of drawings that have been submitted by the appellant. Whilst it is unclear when these drawings were submitted, they are all dated 26 May 2016 and add further detail including sectional views. As the drawings omitted from the decision notice are consistent with the proposal shown on the remaining plans I consider that it would not prejudice any party if they were included in the plans condition.

Main Issues

3. The main issues in the appeal are:
 - the effect of the proposal on the character and appearance of the surrounding area;
 - whether the proposal would preserve or enhance the setting of the adjacent Grade II listed buildings at 98 and 100 Green Street;
 - whether the proposed dwelling would provide a satisfactory standard of accommodation for future occupiers with regard to outlook, privacy and private amenity space; and

- whether the proposal would make appropriate and safe provision for pedestrian and vehicular access to the site.

Reasons

Character and appearance

4. The appeal site is enclosed by the rear gardens of properties on Green Street and Shaftesbury Avenue to the south and east. The rear garden of No 96 Green Street abuts the site to the north, and there is a pedestrian access to this property along with Nos 90, 92 and 94 via an alley which runs along the northern boundary of the site. To the west is an unadopted shared vehicular and pedestrian access to Green Street.
5. Within the site, and forming part of the site boundary to the north and east is a single storey building which is in a poor state of repair. The proposal is to convert and extend this building. The development would result in a slightly larger building than exists at present but it would have a smaller footprint than a building permitted in 2014 for use as Class B1 office space. That development also involved a conversion and extension of the existing structure, and whilst the planning permission has since expired, it is clear from the delegated report that the Council considered the appearance of that building to be satisfactory.
6. The appeal proposal would be further away from the common boundary with Nos 98 and 100 Green Street than the previously permitted building. In addition it would not be visible from the street and would not be significantly different in terms of size and scale compared with the existing building. As such the visual impact of the development would be limited.
7. The proposed plot density of the development at 263 habitable rooms per hectare would slightly exceed the upper range for areas typically characterised as suburban in the London Plan (LP) (2016), but would be at the lower end of the urban density range. The site is identified as having a public transport accessibility (PTAL) level of 2, but is within a reasonable walking distance of Brimsdown railway station and there are regular bus services along Green Street. Moreover, properties in this location are predominantly terraced and semi-detached and on the whole do not benefit from particularly spacious plots. Consequently I consider the density of the appeal proposal would be appropriate to the local context.
8. For the above reasons, I conclude that there would be no harm to the character and appearance of the area. Thus there would be no conflict with policy CP24 of the Core Strategy (2011) or policies DMD6, DMD8 or DMD37 of the Development Management Document (2014), insofar as they seek to ensure development has appropriate regard to its surroundings with a scale and form that reflects the existing pattern of development.

Effect on setting of Grade II listed 98 and 100 Green Street

9. Nos 98 and 100 are grade II listed semi-detached timber framed dwellings. The listing description notes they probably date from the 17th century and have been graded for their rarity value in the area. The listing also refers to the roof which sweeps low to the rear. Whilst there have been some alterations these are reversible and the unique appearance of these buildings make a significant positive contribution to the wider area.

10. The proposed dwelling would be only slightly larger than the existing structure on the site and planning permission has been granted previously for a larger building that would have been closer in proximity to the listed buildings. The height of the single storey flat roofed building would not noticeably exceed the rear eaves height of Nos 98 and 100 and thus would not compete for dominance with the distinctive roof form of these properties. I therefore conclude that the proposal would preserve the setting of the adjacent listed buildings and would accord with CS policies CP30 and CP31, DMD policies DMD8, DMD37, DMD44 and LP policies 7.4 and 7.8.

Living Conditions

11. The gross internal floor space of the proposed dwelling would exceed both the National Technical Standards and the Council's own standards and would therefore provide a satisfactory standard of accommodation. The combined kitchen, dining and living room would have a window in the west elevation and a further window in the southern elevation to be obscure glazed. The bedroom would have obscure glazing within the western elevation. The bathroom would have no windows within the elevations but would have a roof light. Although the constraints of the site prevent windows in the northern and eastern elevations and the southern elevation of the bedroom, a daylight and sunlight assessment submitted by the appellant concludes that there would be satisfactory access to light and this has not been disputed by the Council.
12. Turning to private amenity space, a minimum 5 sqm of private amenity space is required for 2 bedroom 2 person dwellings without access to communal open space but there is no standard for 1 bedroom dwellings of this type. Notwithstanding this there is a small, regular shaped space to the side of the dwelling which is overlooked by the main living area, albeit from an obscure glazed window. I also note that the Council permitted new residential units without private amenity space at No 102 Green Street, a former public house.
13. Taking all of the above into account I conclude that the proposal would provide a satisfactory standard of living accommodation for future occupiers and would therefore comply with DMD policies DMD8, DMD9, DMD10 and DMD37, CS Policies CP4 and CP30 and LP policy 3.5.

Effect on Highway safety

14. One off-street car parking space is proposed for the 1 bedroom dwelling. This would be in compliance with the parking standards set out in the LP and thus accords with DMD Policy DM45. The site would be accessed by an existing shared vehicular and pedestrian access, but only one other property has a vehicular access. The Council accepted the principle of the use of the access when it granted planning permission for the extension and use of the existing building as a B1 office with a single car parking space. The introduction of one additional car parking space is unlikely to cause significant highway safety concerns in this location.
15. The appellant has proposed the installation of a car turntable within the site to enable vehicles to enter and leave the site in forward gear, and its implementation can be secured by condition. The Council is concerned that outward opening gates would cause an obstruction within the shared access road for vehicles or pedestrians but I consider that the shared access is wide enough to avoid such occurrences. The submitted plans indicate the location of

the refuse storage and cycle parking and these matters can also be secured by an appropriate condition.

16. I conclude that the proposal would provide appropriate and safe access for pedestrians and vehicles in accordance with policies DMD45 and DMD47, which require adequate parking provision, layout and servicing.

Conditions and Conclusion

17. I have found that the development is acceptable subject to the imposition of certain conditions, framed with regard to advice in the Planning Practice Guidance. I have attached a condition limiting the life of the permission and have imposed a condition specifying the approved plans to provide certainty.
18. Details of the external materials to be used in the development are required to safeguard the character and appearance of the area. I shall also impose a condition to require a surface water drainage scheme to be submitted and approved and for a verification report to be produced to demonstrate compliance with the scheme, to reduce surface water run-off beyond the site and onto the public highway.
19. There is limited space within the site for a detailed soft landscaping scheme as set out in the Council's suggested condition 6, but details of the proposed green roof are required and it is necessary to secure its implementation to safeguard the character and appearance of the area. As there is no existing ecological value within the site that might be affected by the development it would not be reasonable to impose a requirement for bat and bird boxes.
20. It is not necessary to impose a condition requiring an Energy Statement to be provided and approved as one was submitted with the planning application but I have amended the Council's suggested condition 9 to require compliance with the proposed measures in the submitted statement.
21. LP Policy 3.5 requires LDFs to set out policies to justify the requirement for water efficiency and accessible homes optional technical standards. As the Council has not specified policies for this purpose I shall not impose the suggested conditions requiring compliance with the standards.
22. I shall require details of the proposed car turntable to ensure cars are able to enter and leave the site in forward gear, to reduce the potential for vehicle and pedestrian conflict within the adjacent shared access and details of the secure and covered cycle parking to encourage more sustainable modes of travel. Details of refuse storage and collection are required to be submitted and agreed in the interests of residential amenity.
23. Finally, given the physically constrained nature of the site and the proximity to surrounding residential properties I consider that, exceptionally, restrictions on householder permitted development rights to erect outbuildings and extensions or insert external windows or doors other than those indicated on the approved drawings are justified in this instance to safeguard the amenities of adjoining occupiers and the character and appearance of the area.
24. For the above reasons I conclude that the appeal should be allowed.

Claire Victory INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 077-DR-0100; 077-DR-0101; 077-DR-0102; 077-DR-0103; 077-DR-0104; 077-DR-0105; 077-DR-0106; 077-DR-0107; 077-DR-0010; 077-DR-0011; 077-DR-0012; 077-DR-0013; 077-DR-0013; 077-DR-0014; 077-DR-0015; 077-DR-0016; 077-DR-0017; 077-DR-0018; 077-DR-0019.
- 3) The development shall not commence until details of the external finishing materials, including samples to be used have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.
- 4) Development shall not commence until details of surface drainage works have been submitted and approved in writing by the local planning authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 1 and 1 in 100 year storm event allowing for climate change to include a full maintenance and management plan. The drainage system shall be operational prior to the first occupation and the approved management and maintenance plan put in place to ensure its continued function over the lifetime of the development. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 5) Prior to occupation of the development, a Verification Report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the local planning authority for approval in writing. This report must include: as built drawings of the sustainable drainage systems; level surveys of completed works; photographs of the completed sustainable drainage systems; any relevant certificates from manufacturers/ suppliers of any drainage features; any relevant certificates from manufacturers/ suppliers of any drainage features; a confirmation statement of the above signed by a chartered engineer.
- 6) Prior to the commencement of above ground works, full details of hard and soft landscape proposals, including the parking turntable shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Following completion of works a final Energy Performance Certificate with accompanying Building Regulations compliance report, in line with the measures set out in the submitted Energy Statement version 1.1 dated 14 September 2015 shall be submitted to and approved in writing by the local planning authority. Where applicable, a Display Energy Certificate shall be submitted within 18 months following first occupation.
- 8) Prior to the commencement of above ground works, details of the siting, number and design of secure and covered cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The

approved details shall thereafter be installed and permanently retained for cycle parking.

- 9) Prior to the commencement of above ground works, details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any amending Order, no buildings or extensions to buildings shall be erected without the prior approval in writing of the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

---END OF CONDITIONS---