
Appeal Decision

Site visit made on 8 November 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 30 November 2017

Appeal Ref: APP/Q5300/W/17/3180633
6 Crescent Road, Enfield EN2 7BL

- 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 Founthill Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05654/FUL, dated 5 December 2016, was refused by notice dated 17 March 2017.
 - The development proposed is the demolition of existing house and construction of a four storey block of six flats, including parking at ground floor level.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Founthill Ltd against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this case are the effect on:
 - The living conditions of neighbouring residents, with particular regard to outlook, light and overlooking;
 - The living conditions of future occupiers, with particular regard to outlook; and
 - The character and appearance of the area.

Reasons

Living conditions of neighbouring residents

4. The adjacent property, No 4B Crescent Road is a two and a half storey end of terrace residential dwelling which has dormer windows in both its front and rear elevations.
5. The flank wall of the appeal proposal would be no closer to 4B than the existing dwelling, however the overall scale and height of that wall would be significantly increased. Furthermore, the depth of the wall would increase, and it would extend beyond both the front and rear elevations of 4B.

6. I recognise that the proposed building would not breach the 30-degree line criteria set out in Policy DMD11 of Enfield's Development Management Document 2014 (DMD), however in this instance the proposed building would be one and a half-stories higher than 4B. Furthermore, the design of the proposal with a crown roof would result in a flank wall whose overall scale would be significant. It would have a substantial enclosing and overbearing impact on the outlook from the windows in the rear elevation of 4B, including the dormer windows which are recessed behind the property's rear elevation. The outlook from the windows in the front elevation of 4B is already restricted in a north easterly direction due to the staggered nature of the terrace. Consequently, the construction of a building in a similar location to the north west of it, and of the scale proposed, would result in the overall outlook and daylight available to the front windows being severely restricted.
7. Due to the orientation of the proposed development to the west of 4B, it would be in the late afternoon and evening when the proposed development would have an impact on the amount of sunlight available to its rear elevation and garden. Taking into account the bulk and height of the proposed building, the amount of late afternoon and evening sun available to 4B's ground floor rear windows and patio area, would be restricted. Furthermore, in view of the topography of the remainder of this property's rear garden, the occupants of 4B are likely to use their patio area for sitting out. Whilst this effect alone may not substantially harm the living conditions of the occupants of 4B, when taken together with the overbearing impact of the proposal and the loss of daylight that would ensue as set out above, I conclude that the proposal would have a significantly harmful effect on the living conditions of the occupants of 4B, with particular regard to outlook and light.
8. The rear elevation of the appeal proposal would overlook the rear garden area of 2 Haselwood Drive and also look towards windows in the side elevation of 4 Haselwood Drive. In view of the distance between the proposed rear elevation and those facing windows at No 4, I do not consider that there would be any material loss of privacy to existing occupants.
9. However, the rear elevation of the appeal proposal would be imposing, and its prominence would be reinforced by the difference in ground level between the appeal site and 2 Haselwood's rear garden. I recognise that consideration has been given to ensuring that the proposed development would not result in any direct overlooking of No 2's private rear garden by the use of obscure glazing and oriel windows. However, the resultant rear elevation would be poorly composed and the mismatch of fenestration would be visually incongruous. Moreover, this visual incongruity would be heightened by the scale and prominence of the proposed building. Whilst I accept that there would be no direct loss of privacy to the occupiers of No 2, the dominance of the proposal's rear elevation and the amount of fenestration within it, would result in the occupiers of No 2 experiencing a clear sense of being overlooked when utilising their rear garden, which to my mind would have a harmful effect on their living conditions.
10. I have taken into account the various relationships between existing properties in the vicinity of the site which have been drawn to my attention by the appellant. However, each case must be considered on its own merits.

The existence of other poor relationships would not justify the harm I have identified in this appeal case.

11. I conclude that the proposed development would have a significantly harmful effect on the living conditions of neighbouring residents, with particular regard to outlook, light and overlooking. The proposal would conflict with the development plan, and in particular with the overall design and amenity aims set out in Policy CP30 of The Enfield Plan Core Strategy, 2010 (CS) and Policies DMD8 and DMD11 of the DMD and Policy 7.6 of the London Plan.

Living conditions of future occupiers

12. The proposal is for six self-contained flats and would comprise four, three bedroom units and two, two bedroom units. The Council is concerned that not all of the proposed accommodation would provide for acceptable living conditions for future occupiers, having particular regard to outlook.
13. The proposed three bedroom units on the first floor would have a single open plan living, kitchen and dining room. The windows serving this room would be oriel windows which would be partially obscure glazed to prevent overlooking of neighbouring residential gardens. Whilst the amount of glazing to this room would be sufficient to ensure that the room would be adequately lit and ventilated, the outlook from the room would be compromised by the opaque glass and oriel window design. This living accommodation would not have an open aspect, and views from it would be restricted to only a couple of positions within the room. I accept that in certain circumstances oriel windows provide an acceptable solution to overlooking, but that is often the case where outlook can be provided from other windows in the room, or the rooms are bedrooms. In this instance, these are the only windows serving the main habitable living space in family sized accommodation, and to my mind would not provide an acceptable outlook for future occupiers.
14. The second floor units would have two bedrooms and the living/kitchen area would be similarly open plan. The living area would be adequately lit and ventilated by double glazed doors, roof lights and an obscure glazed window within the flank wall of the kitchen area. However, as the rooms are cut into the roof space with enclosed balconies, views from the room would be restricted to the skyline. I concur with the Council that the living area would feel oppressive, and I am not convinced that the restricted outlook from the second floor living accommodation would provide for acceptable living conditions for future occupiers.
15. The third bedrooms in the three bedroom units are quite narrow, and the amount of natural light available to them would be constrained by the projecting flank wall which would abut the proposed window. However, the units would also have two double bedrooms, which would be well-lit, with open aspects and one would have access to a balcony. Whilst the third bedroom would be narrow, there would be adequate wall space to provide furniture within it and the window would provide views over the garden area. It would be acceptable having regard to its proportions and outlook, and overall the bedroom accommodation would provide for acceptable living conditions for a family sized flat.

16. All the units would meet the gross internal area requirements set out in the London Plan which has adopted the national described space standards¹. Furthermore, the site would provide a communal amenity area at the rear of the building, and all of the units would have access to a small balcony that would provide them with an area of private external space. Although the Council has expressed concern regarding the amenity value of the north facing balconies and topography of the rear garden, taken together I am satisfied that future occupiers would have access to an external space that would provide adequate space for sitting out, drying clothes and a place to play.
17. Although I have found that the future occupiers of the proposed development would have adequate external amenity space and suitable bedroom accommodation, I have found that the proposed development would not provide for adequate living conditions for future occupiers, having particular regard to outlook. The proposal would conflict with the development plan, and in particular I find conflict with the design and amenity aims set out in Policies CP4 and CP30 of the CS, Policy DMD8 of the DMD, Policy 3.5 of the London Plan and guidance set out in the Mayor of London's Housing Supplementary Planning Guidance.

Character and appearance

18. Crescent Road in the vicinity of the appeal site is predominantly characterised by large blocks of apartments. The blocks are generally three-storey in height but many also have basement parking and rooms within their roof space. Although the individual design characteristics of each block varies, they are generally aligned, set back from the road, and have modest, mature front gardens enclosed by brick walls.
19. The scale and form of the proposed development would be similar to many of the other apartment blocks close by. Although it would be four-storey in height, the accommodation would include lower ground floor parking and rooms within the roof space. Overall the building would be no higher than neighbouring Springview Care Home and other buildings close by. The proposed crown roof would be substantial, however the building would be generally aligned with No 4 & 4A Crescent Road, Claremont Heights and Springview, the latter of which has substantial tree cover within its frontage which would screen the building when travelling east along Crescent Road. Consequently, I am not convinced that the crown roof would be materially prominent within the street scene as a whole.
20. I have expressed some concerns over the poor design and composition of the proposed rear elevation of the building and the effect that this would have on the living conditions of neighbouring residents. However, the views of this elevation to the public at large would be limited. The front elevation would include a central gable which provides relief to the proposed front façade, and the two wings would reduce the visual mass of the building. The proposed balconies and dormers are all design elements which can be identified on other buildings in the locality, and the proposed palette of materials would reflect those used on the neighbouring terrace.

¹ Technical housing standards – nationally described space standards: DCLG 2015.

21. The existing apartment blocks on Crescent Road vary considerably in their individual design characteristics, roof forms and use of materials. Taking the street scene as a whole I am satisfied that the overall design and appearance of the proposed development would not be uncharacteristic in this location. Although the building would be sited further forward on the site than the existing dwelling, it would generally align with Springview and Nos. 4 & 4A. Furthermore, there would be space within the site frontage to provide some soft landscaping, and accordingly the existing character of the street, including the space between the buildings, would be preserved.
22. I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. I therefore find no conflict with the development plan, and in particular with Policy CP30 of the CS or Policies DMD6, DMD8 and DMD37 of the DMD which seek to ensure, amongst other things, that the scale and form of development is appropriate to the existing pattern of development and those locally distinctive patterns of development are reinforced.

Conclusion

23. Although I have found that the appeal proposal would not have a harmful effect on the character and appearance of the area, I have found that it would have a significantly harmful effect on the living conditions of neighbouring residents and would not provide for adequate living conditions for future occupiers. Therefore, for the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR