
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/17/3180485

292 Alder Lodge, Bury Street West, Edmonton N9 9LL

- 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 P Tzortzi against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01587/FUL, dated 4 April 2017, was refused by a notice dated 8 June 2017.
 - The development proposed is an additional floor to create 3 No new flats.
-

Decision

1. The appeal is allowed and planning permission is granted for an additional floor to create 3 No new flats at 292 Alder Lodge, Bury Street West, Edmonton N9 9LL in accordance with the terms of the application, Ref 17/01587/FUL, dated 4 April 2017, subject to the conditions set out in the attached schedule.

Main Issues

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

Reasons

Character and appearance

3. Alder Lodge is a two-storey, L-shaped apartment block which is situated within a residential neighbourhood. Bury Road West, in the vicinity of the appeal site, is characterised by well-proportioned traditional post war housing in the form of short terraces, which are set back from the road with modest front gardens.
4. Alder Lodge contrasts with the neighbouring housing by reason of its age, form, scale and proportions. In particular, although it is two-storey in height, a lower floor to ceiling height and shallower pitched roof, provide for an overall height which is much lower than the neighbouring terrace.

5. The proposed development would introduce a third floor onto Alder Lodge across its entire footprint. However, whilst the overall height of the building would increase, its resultant ridge would align with the neighbouring terrace, and it would not therefore appear out of scale alongside it. Furthermore, the appeal property is set back further from the road than its neighbours, and even as extended it would not be visually conspicuous within the street scene as a whole.
6. The external front façade of the proposed development would mirror that of the floors below in respect of its form, fenestration and material palette. The resultant building would therefore have a cohesive appearance, and the proposed extension would not appear as an incongruous addition.
7. I conclude that the proposed development would not have a harmful effect on the character or appearance of the area. It would not conflict with the development plan, and in particular with Policy CP30 of The Enfield Plan Core Strategy, adopted 2010 (CS) which requires high quality design to reinforce local distinctiveness and Policies DMD8 and DMD37 of Enfield's Development Management Document, 2014 (DMD) and Policies 7.4 and 7.6 of The London Plan (LP) which require, amongst other things, development to be of an appropriate scale, bulk and massing and to reflect local character.

Living conditions of neighbouring residents

8. The appeal site has a common boundary with No 290 Bury Street West which is an end of terrace dwelling. The existing rear wall of the front section of the Alder Lodge extends just over two metres beyond the original rear elevation of No 290, and is situated approximately 1.2m to the west of No 290's flank wall.
9. The proposal would not increase the footprint of the appeal building, and consequently the proposal would not be any closer to No 290 than the existing building. The scale and height of Alder Lodge's flank wall would increase, however No 290 has a ground floor extension that aligns with it, and therefore the outlook from the ground floor windows in that extension would not be affected. The closest first floor window in the rear elevation of No 290 is a bathroom window. Whilst the increase in scale of the flank wall would have some enclosing effect on this window, in view of its use as a bathroom, I do not consider that those effects would be significantly harmful. Furthermore, the extension would be to the west of this property, and so any shadow that it may cast on this bathroom window would be in the late afternoon, and any loss of daylight or sunlight would not be severe.
10. The existing rear outrigger of Alder Lodge is two-storey in height and the upper floor has bathroom and bedroom windows looking directly over the rear gardens of the neighbouring residential properties which lie to the east. The proposed second floor would have obscure glazed high level windows within this facing elevation, and although those windows would be visible from neighbouring properties, there would be no opportunities for overlooking, and any sense of being overlooked would be no greater than the existing situation.

11. I conclude that the appeal proposal would not have a harmful effect on the living conditions of neighbouring residents. I therefore find no conflict with the development plan, and in particular with Policies DMD8 of the DMD and Policy 7.6 of the LP which seek to ensure, amongst other things, that buildings do not cause unacceptable harm to the amenity of surrounding land and buildings, in particular residential buildings, in relation to privacy, overshadowing and outlook.

Living conditions of future occupiers

12. The additional accommodation to be provided would comprise two, two bedroom three person flats (2b3p) and one, two bedroom four person flat (2b4p). The flats would provide generous accommodation exceeding the gross internal area requirements set out in the London Plan, which has adopted the national described space standards¹ (NDSS).
13. The Council is concerned that future occupiers would not have the benefit of acceptable levels of outlook and light from within two of the proposed flats. In particular, the kitchens in those flats would only be provided with high level windows and roof lights. I accept that the outlook from the kitchens would be restricted; however the high level windows and roof lights would provide the rooms with adequate ventilation and light. Furthermore, the kitchen areas would be relatively small, and there would be no opportunity to provide seating or eating space within them. Consequently, the need for the kitchen to have an open aspect is not to my mind essential, particularly when each of those flats would have a large lounge area with a dual open aspect, and where dining space with a table and chairs could easily be accommodated.
14. One of the windows in the proposed double bedroom of each flat would also have an obscure glazed high level window. However, those bedrooms would also have a large clear glass window which would provide an open aspect. The bedrooms would therefore benefit from unrestricted views, natural daylight and ventilation, which would be adequate for a room of that size and for its intended use.
15. The existing occupiers of Alder Lodge have the benefit of a communal garden area. There is no evidence before me to suggest that this space would not also be available for the use of future occupiers of the proposed development. Policy DMD9 advises that new development must provide good quality private amenity space that meets or exceeds minimum standards set out in Table 4.1. The requirement for a 2b3p dwelling is six square metres of private amenity space and for a 2b4p dwelling, seven square metres. In this instance no private amenity space would be available for either existing or future occupiers of Alder Lodge.
16. It is often difficult to provide private amenity space in flatted developments such as the appeal building. However, in this case there is some communal space available for existing and future occupants to dry clothes and sit out. Furthermore, the site lies within less than a couple of minutes' walk from Bury Lodge Gardens, where formal and informal gardens and recreational space is available for public use. I am also mindful that the proposed flats

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

would provide generous and flexible space which would not be oppressive and would exceed the NDSS.

17. For the above reasons I conclude that the appeal proposal would provide for adequate living conditions for future occupiers, with particular regard to outlook, light and external amenity space. Whilst there would be a technical breach of the private amenity space requirements set out in Policy DMD9, I am satisfied that the proposal would not conflict with the overall design and amenity aims set out in Policy 3.5 of the London Plan, CP4 of the CS and Policies DMD6, DMD8, DMD9 and DMD37 of the DMD.

Other Matters

18. The Council's third reason for refusal relates to a concern that there is insufficient information to demonstrate that the proposed development would provide for acceptable off street car parking, cycle and refuse storage space. There is an existing area of hardsurfacing to the rear of the site where four garages are sited within two separate blocks. Although there is space around those garages for further car parking, that space is not clearly defined. The appeal proposal would see the existing garages demolished and a car parking area formerly laid out with space for up to fifteen cars, including three disabled spaces, and one space with an electric charging point. In addition, a cycle store would be provided which would accommodate up to eight cycles and a further two visitor cycle stands would be provided at the front of the site.
19. The car parking and cycle provision would take account of the relatively low public transport accessibility levels in this location, and meet the standards set out in Policies 6.13 and 6.9 of the London Plan. Furthermore, the proposed layout would provide an improved car parking layout, as the position of the existing garages hinder the most effective use of the car parking area as a whole. I have not been provided with any evidence to suggest that the local area suffers from parking stress, or that the proposed arrangements would have a harmful effect on highway safety. I am therefore satisfied that the proposed development would make appropriate provision for the parking of both existing and future occupiers' cars and bicycles, and would not be prejudicial to highway safety.
20. Refuse storage facilities for existing occupiers are provided within a storage area on the site frontage and I am satisfied that there would be sufficient space within the site for the storage of additional bins if they were deemed necessary. Subject to the imposition of a condition to require refuse storage to be provided in accordance with details to be first agreed with the Council, I am satisfied that acceptable living conditions would be provided for future residents in this regard.
21. There is tree and shrub planting within the site curtilage which could be affected by the proposed car parking layout, and which has not been identified on the proposed plans. However, should it be necessary to remove those trees, I am satisfied that replacement planting would provide adequate mitigation for their loss. Accordingly, I have imposed a condition to secure a landscaping scheme to safeguard the character and appearance of the area.

Conditions

22. The Council has suggested a number of conditions which I have considered against advice in the National Planning Policy Framework and Planning Practice Guide. As a result I have amended some clarity and omitted others.
23. A condition is necessary to secure the approved plans as this provides certainty.
24. Conditions relating to details of materials and landscaping proposals are required to safeguard the character and appearance of the area.
25. I have imposed conditions requiring details of cycle parking and refuse storage facilities to promote sustainable modes of transport and provide for acceptable living conditions for future occupiers.
26. A condition to require redundant points of access and the footway to be reinstated, as suggested by the Council, is not necessary as no alterations are proposed to the vehicular access or footway.

Conclusion

27. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans and there shall be no deviation from the number and size of bedrooms unless otherwise agreed in writing with the local planning authority: Site Location Plan, Scale 1:1250; Existing Ground Floor Plan, 2667/1; Existing First Floor Plan, 2667/2; Existing Side & Rear Elevations 2667/4; Existing Front & Rear Elevations, 2667/5; Proposed First Floor Plan, 2667/7B; Proposed Second Floor Plan, 2667/8C; Proposed Side & Rear Elevations, 2667/9B; Proposed Side and Front Elevations, 2667/10B, Proposed Street Elevation, 2667/11B; Proposed Parking & Cycle Storage, 2667/12B.
- 3) No development shall take place until a sample panel and a schedule of the materials to be used in the construction of the external surfaces, including walls, roofs, doors, windows has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample and schedule, which shall not be removed from the site until completion of the development.

- 4) The development shall not be occupied until secure/covered cycle parking spaces have been provided on site strictly in accordance with details, to include number of spaces, siting and design, which shall have first have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be so maintained.
- 5) The development shall not be occupied until refuse storage, including recycling facilities, have been provided on site strictly in accordance with details which shall have first have been submitted to and approved in writing by the Local Planning Authority. The details shall take into account the London Borough of Enfield's Waste and Recycling Planning Storage Guidance ENV 08/162. The approved refuse and recycling facilities shall thereafter be so maintained.
- 6) The development shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include
 - i) hard surfacing materials;
 - ii) lighting, floodlighting and CCTV;
 - iii) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - iv) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and
 - v) an implementation and maintenance programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The completed scheme shall be managed and/or maintained in accordance with the approved scheme of management and/or maintenance.

End of Schedule