
Appeal Decision

Site visit made on 27 June 2019

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/Q5300/W/19/3226036

30 Bourne Hill, London, N13 4LH

- 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 Ms Suzan Selim against the decision of the London Borough of Enfield.
 - The application Ref 18/04438/FUL, dated the 15 November 2018, was refused by notice dated the 5 February 2019.
 - The development proposed is construction of two storey detached house with three bedrooms, to replace two number garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Prior to the appealed application being determined, an appeal for the development of a two storey building to provide two flats on the appeal site was dismissed in January 2019 under ref. APP/Q5300/W/18/3209518. As neither party had referred to this decision in their submissions, I invited additional comments, as well as copies of the plans for that development. The only comment received was from the appellant, which indicated that the current appeal proposal had been submitted in response to the Council's refusal of the original application for flats.
3. The Council's decision notice refers to the 2012 National Planning Policy Framework (Framework). This was replaced by the July 2018 version and more recently by the February 2019 version of the Framework. However, the policies that are relevant to this appeal have not changed.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed dwelling provides a satisfactory living environment for future occupiers; and
 - whether the proposed development would affect the living conditions of the existing occupiers at 28 Bourne Hill.

Reasons

Character and appearance

5. The appeal site is situated on the corner of Bourne Hill with Hillfield Park. It comprises a two storey semi-detached house with a large rear garden. At the end of the latter are two single storey garages. The surrounding area is characterised by semi-detached two storey houses of a similar style and age with large rear gardens. Whilst some of these properties have been extended and altered, the area retains a spacious and open appearance.
6. In dismissing the previous appeal, the Inspector found that the contemporary design of the development would be in marked contrast to the surroundings and would not make a positive contribution to the streetscene. The Inspector also found that the siting, bulk and mass of the proposed building would be at odds with the traditional layout and spatial pattern of surrounding properties.
7. In response, the appellant has put forward a more traditional design. Whilst I acknowledge that this would be an improvement on the previous appeal scheme, as the proposed building would be detached and its ridge would be lower than that at 1 Hillfield Park, it would still not sit comfortably on the appeal site. The revised design would not assimilate the development with its surrounds and the compact nature of the proposed layout, combined with its scale, massing and siting, would result in a cramped and contrived appearance.
8. The proposed building would reduce the open gap that exists on this corner, which is mirrored on the opposite side of the road. This openness is a pleasing and important feature of the streetscene and adds to the spaciousness of what is a relatively densely built up area. This open gap also provides views of the trees in the background to the appeal site, again mirrored on the opposite side of the road. Given this context, the proposed development would be out of keeping with the established grain and pattern of built development on Hillfield Park.
9. The proposal does not include a rear garden, as the new building would be sited hard up against the boundary to the garden of 28 Bourne Hill. Whilst the layout includes a side and front garden, this arrangement is completely at odds with the rhythm and traditional layout of the surrounding properties, and accentuates the harmful impact the development would have on the streetscene.
10. The appellant argues that the modest design and use of local materials results in a development that would be acceptable and an improvement on the existing garages. For the reasons given above, I do not agree with those views.
11. The appellant has referred to developments at 78a Woodland Way and 149 Fox Lane, which they argue provide examples of where new buildings have been approved that are of a different mass and style to their neighbours. However, I have considered the appeal proposal on its individual merits, having regard to the circumstances of this case, as well as the findings of the previous Inspector. In addition, as I do not know the full planning circumstances of these cases it is not possible for me to determine whether they are comparable to the appeal proposals. Even so, I note that the previous Inspector found that the development at 78a Woodland Way was not comparable and did not affect the findings on this issue.

12. The appellant also argues that the Council should not seek to impose architectural styles and tastes or discourage innovative design. Whilst the Framework does encourage innovative designs, paragraph 127 also says that development should add to the overall quality of the area and be sympathetic to local character and the surrounding built environment.
13. I find, therefore, that the proposed development has not overcome the concerns that led to the dismissal of the previous appeal and that the proposal would result in significant harm to the character and appearance of the area contrary to Policy CP30 of the Enfield Plan Core Strategy (CS), Policies DMD6, DMD8 and DMD37 of the Enfield Development Management Document (DMD) and the corresponding policies of the Framework. Amongst other requirements, these policies seek to ensure that new development maintains and improves the quality of the built environment and reinforces the pattern of development, local distinctiveness and character.

Living conditions – future occupiers

14. Section 2 of the Mayor of London's Housing Supplementary Planning Guidance (SPG) says that new single aspect dwellings, with two or more bedrooms, should be avoided. It explains that the reasoning for this is that single aspect dwellings are more difficult to ventilate naturally and more likely to overheat, the latter being an increasing concern in London due to the temperature rises associated with climate change. In addition, single aspect dwellings reduce the amount of natural daylight and sunlight that can be received, as well as minimising outlook.
15. Whilst the layout includes reasonably sized bay windows on the front elevation of the proposed house, there are no other windows on the remaining three elevations. The proposed dressing rooms, ensuite's and utility room, would all be internal and likely to be reliant on artificial light and ventilation. The proposed kitchen would also be at the rear of the new building, with no immediate natural light or outlook. As a consequence, for a new 3 bedroom house that would be suitable for a large family, the single aspect layout would, in my view, result in a very poor standard of accommodation.
16. The proposed garden is shown to the front and side of the new building. However, the submitted plans appear to indicate that it could only be accessed through the front door of the new house. In addition, the plans do not provide details of how the garden would be enclosed. The Design & Access Statement suggests that the garden could "*in part be screened with low level walls or hedging.*" I am not convinced that this would provide sufficient screening and privacy to the proposed garden and as a result it is unlikely that the area shown would be functional and useable.
17. The appellant argues that the proposed room sizes and level of amenity space exceed the standards in the development plan. That may be so, but it does not affect the findings I have reached on this issue.
18. For the above reasons, I find that the single aspect design of the new house combined with the layout of the garden area, would result in a very poor standard of accommodation and private amenity space for future occupiers contrary to Policy CP30 of the CS, Policies DMD8 and DMD9 of the DMD, Policy 3.5 of the London Plan and the Mayor's SPG. Combined, these seek to ensure

that new development provides an attractive and safe environment, meets minimum living standards and provides high quality amenity space.

Living conditions – existing neighbours

19. The previous Inspector found that the proposed development would represent a dominant and oppressive feature when viewed from the garden of 28 Bourne Hill.
20. In the submissions for this appeal, the appellant has referred to the set back of the new dwelling at first floor level. However, having compared this with the set back on the dismissed scheme, there appears to be no material difference between the two. The views from the garden of 28 Bourne Hill would continue to be dominated by a large blank façade, which other than for some corner brick detailing, would on the first floor be rendered. The impact on these views would be accentuated by the proposed large hipped roof, whereas the previous scheme included a flat roof.
21. Whilst the depth of the proposed dwelling, facing 30 Bourne Hill, would be less than in the previous appeal scheme, the block plans for both schemes indicate that the length of the new building, on the boundary with 28 Bourne Hill, would broadly be the same. The proposed development would remain, therefore, highly visible from the garden of 28 Bourne Hill and would have an overbearing impact on the living conditions of the occupiers of that property, resulting in an unacceptable sense of enclosure.
22. The appellant argues that there are no windows on the rear or side elevations and that there would be no loss of light. Even so, those factors do not affect the findings I have reached on this issue.
23. Accordingly, I find that the proposed development has not addressed the concerns that led the Inspector to dismiss the previous scheme and that the impact on the living conditions of the occupiers of 28 Bourne Hill would be unacceptable. The proposal fails, therefore, to comply with Policy CP30 of the CS and Policies DMD8 and DMD37 of the DMD, which seek, amongst other requirements, to preserve the living conditions of the occupiers of neighbouring properties.

Other Matters

24. The appellant has referred to the presumption in favour of sustainable development. However, as paragraph 11 c) of the Framework confirms, that only applies to development that accords with an up to date development plan. As I have found, the proposed development would be contrary to the CS, DMD and the London Plan, whose policies are consistent with those in the Framework.
25. The appellant argues that there have been no objections to the appeal proposal. However, my duty is to consider the effects of the development on existing and future occupiers of surrounding properties. Even so, I note that an objection was submitted, in response to the appealed application, from a neighbour who raised a number of concerns.
26. The appellant has referred to the benefits that would arise from the proposal. These include, contributing to the need for single family dwellings in the Brough and to the Government's objectives of significantly boosting the supply

of housing. Whilst I accept that that proposal would make a small contribution to the supply and mix of housing and that these benefits are supported by other policies in the development plan and the Framework, and thus would be positive aspects of the appeal scheme, none of these factors would be sufficient, either individually or cumulatively, to outweigh the significant harm and conflict with the development plan that I have found.

Conclusions

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR