
Appeal Decision

Site visit made on 28 May 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/Q5300/W/19/3222825
15 Fox Lane, Southgate N13 4AB

- 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 & Mrs Paul and Sara Nanasbaum against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03399/FUL, dated 31 August 2018, was refused by notice dated 26 October 2018.
 - The development proposed is demolition of existing garages and erection of a 1 x 2-bedroom single family dwelling house with a lower ground floor and associated landscaping, parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the Council's description of the proposed development rather than the description on the application for submitted to the Council, as it more succinctly described the proposal and the appellant has made no objection.
3. The appellant has submitted revised plans and two daylight reports with the appeal documents, seeking to overcome the Council's reasons for refusal of the application.
4. The main differences between the two sets of plans are that in the revised plans:-
 - i) the front elevation has been set back allowing the creation of a bay window to the living room at ground floor and to bedroom one at basement level;
 - ii) the kitchen has an additional roof light; and
 - iii) the door from the kitchen to the ground floor patio area is now a double door.
5. Given the nature of the revised plans, I do not consider that they significantly alter the proposal or that any interested parties would be prejudiced were I to accept them. Therefore, I have determined the appeal on the basis of the revised plans.

Main Issues

6. The main issues in this appeal in relation to both sets of plans are the effect of the proposed development on the character and appearance of the area, including the Lakes Estate Conservation Area (LECA), and whether adequate living conditions would be provided for future occupiers of the dwelling, with particular regard to outdoor amenity space and daylight.

Reasons

7. The area within which the appeal site is located, is exclusively residential with a traditional and mostly Edwardian design and construction. The site is located within the LECA, a designated heritage asset, and is currently occupied by two linked and dilapidated garages. Although the address is given as 15 Fox Lane, the site faces onto Old Park Road and would gain access from that road.

Character and appearance

8. The houses in the immediate area and in the LCEA generally, are two-storey, semi-detached and with long gardens. The proposed development would appear from street level to be single storey, with a contemporary design and with amenity space considerably different in size and nature to the surrounding dwellings. I agree with the appellant that the proposal would not comprise "backland development" in the usual sense of a site created in the back garden of an existing property, without its own road access.
9. The Council's Development Management Document (2014) (DMD) contains Policy DMD8 which sets standards for new residential development, all of which are to be met to enable planning permission to be granted. The policy is to be read in conjunction with Policy CP 30 of the Council's Core Strategy 2010 which seeks to ensure that the quality of the built environment is maintained and improved. One element to be considered under these policies is that the development must be appropriately located, taking into account the nature of the surrounding area. Policy 3.5 of the London Plan requires that all housing development should enhance the quality of local places, taking account of local context.
10. I accept that the immediate area (i.e. the properties on the corner of Fox Lane and Old Park Road) has been altered and that there are single storey extensions with pitched roofs. They are clearly not intended to mirror the local Edwardian design. However, the proposed development would be markedly different to those extensions, with its flat roof and constrained footprint. The site more closely relates to the neighbour in Old Park Road than to the extensions at the side of 15 Fox Lane. There would be a stark contrast between the Edwardian house with its retained features around the front porch and the first-floor balcony, and the contemporary flat roofed proposed building, with a single storey appearance and light well to the basement level.
11. The revised plans show that the original front elevation has been pulled back in order to create a bay window, on the basis that this would replicate the Edwardian design of the properties in Old Park Road. This reduces the amount of glazing to the front elevation and does soften the very contemporary design to a limited extent. However, the bay window is only one element of the design and even with the changed front door in the revised plans, I consider that the proposed house would be incongruous and harmful to the prevailing traditional

character and appearance of the street scene I have described. For the same reasons it would thereby result in harm to the significance of the designated heritage asset (LCEA), although the harm would be less than substantial.

12. I conclude overall that the proposed development, whether as shown on the original or the revised plans would result in significant harm to the character and appearance of the surrounding area in conflict with the requirements of CS Policy CP30, Policy DMD 8, and Policy 3.5 of the London Plan.

Living conditions

13. The ground floor amenity space meets the minimum space standard required by the London Plan (7 sqm) and combined with the basement patio, the total amenity space meets the standard required by Policy DMD 9 (23 sqm). However, the amount of space is not the only criterion to be considered. Both the London Plan and the DMD require that the amenity space is of good quality and design. The basement patio is at the bottom of what is designed to be a light well and together with the fencing required to provide privacy, the sitting out area would feel cramped and constrained. The daylight reports deal only with the internal spaces and do not provide any detail of the sunlight which would reach the patio, but due to the configuration of the fencing and the lightwell, I doubt that sunlight would reach the patio for several months of the year.
14. I have taken into account the small change to the size of the basement patio in the revised plans, resulting from the setting back of the frontage. However, it makes no difference to my conclusion and I agree with the Council that the quality of the amenity space is inadequate for a family dwelling. I conclude that the proposals (in either form) do not comply with Policy DMD9 of the Development Management Plan.
15. With regard to daylight in habitable rooms the Appellant has produced two daylight reports, one dealing with the original plans and the second relating to the revised plans.
16. Some of the report's findings indicate that daylight levels would be marginally above the minimum acceptable British Standard. As such, I am satisfied that there would be no significant harm to the living conditions of occupiers in respect of daylight levels. However, this does not overcome or outweigh the significant harm I have identified with regard to the proposed amenity space and to the character and appearance of the area.

Other Matters

17. I have taken account of the pressing need for additional housing at local and national levels and that the site is suitable for housing in principle. However, any new housing must also be acceptable in terms of its effect on the character and appearance of the area and provide acceptable living conditions for occupiers. I have found this not to be the case here.

Conclusion

18. To conclude, I have found less than substantial harm to the significance of the designated heritage asset. However, that harm would not be outweighed by the limited scale of public benefits that would likely accrue from the construction and occupation of a single dwellinghouse. Additionally, there

would be the further harm I have previously described to the living conditions of future occupiers.

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

Jan Hebblethwaite

INSPECTOR