



Appeal Decision

Site visit made on 29 May 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/Q5300/W/19/3222664

22 Covert Way, Barnet, EN4 0LT

- 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 Phil Herbert against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03217/FUL, dated 14 August 2018, was refused by notice dated 23 October 2018.
 - The development proposed is described as the erection of a 4-bedroom single family dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The impact on the character and appearance of the area, and
 - The effect of the proposals on trees within and adjacent to the appeal site.

Reasons

Character and Appearance

3. The appeal site forms part of the rear garden of 22 Covert Way, which is a detached dwelling house set within a suburban street of similar properties. The houses along the street are generally single storey bungalows, some with loft conversions. There is a uniformity to the layout of the street, where rear gardens are deep with a significant number of mature trees surrounding the properties, contributing to the green and spacious character of the area.
4. The proposal would result in the sub-division of the rear garden at No22, with the demolition of the garage to the side to facilitate a driveway to serve the proposed dwelling. The design of the dwelling would be one and a half storey, with dormer windows to the front elevation and 4 bedrooms extending to 120sqm. This would be of a similar footprint to the existing dwellings within the street.
5. I consider that the sub-division of the garden and the creation of a new dwelling in the rear garden of No22 would be very much at odds with the established development pattern and predominant character in Covert Way.

6. Whilst there would be little visibility of the appeal site from the public domain, as a direct result of the loss of the tree cover required to facilitate the development, I consider there would be greater visibility from neighbouring properties.
7. Overall, I consider the proposals would result in harm to the character and appearance of the area, contrary to Policy CP30 (Maintaining and Improving the Quality of the Built and Open Environment) of the Enfield Plan Core Strategy (2010) (CS) and Policy DMD7 (Development of Garden Land), DMD37 (Achieving High Quality and Design-Led Development) of the Enfield Development Management Document (2014) (DMD), all of which seek development of a high quality design that reinforces the character of an area. I also find conflict with paragraph 127 of the Framework, which seeks development that is sympathetic to local character and landscape setting.

Trees

8. There is a mixture of deciduous and evergreen trees within and on the boundary of the appeal site, along its length and at the top of the garden. Whilst not covered by a Tree Preservation Order (TPO), the trees positively contribute to the verdant character of the wider area and offer screening to the site, such that there is currently limited inter-visibility between the rear garden of the appeal site and the neighbouring properties.
9. The tree survey submitted by the appellant sets out that most of the trees within the appeal site are of at least moderate (Category B) value. It is also clear that the proposals would necessitate the removal of a significant number of trees within G1 and G3 as marked on the plan. Further, mitigation work in the form of a 'no-dig' solution would be required for the remainder of G3 in order to protect those trees from damage.
10. Whilst the no-dig approach and proposed new planting could be implemented via an appropriately worded planning condition, I consider the proposed development would result in the necessary loss of important tree cover leading to a permanent change in the spacious garden setting of those remaining trees. I also have further concerns over the remaining trees and planned new trees, where it is likely that there would be a pressure to fell from future occupiers of the proposed dwelling because of their proximity to the proposed dwelling, where there would be some over-shadowing and potential debris associated with falling leaves.
11. To that end, I consider the proposals would result in the unacceptable loss of a significant number of Category B trees together with the potential for future harm to future and retained trees. This would be contrary to policy DMD80 of the DMD which seeks development that does not result in the harm to or loss of trees of significant amenity.

Other Matters

12. The appellant has cited multiple examples of what they consider to be 'planning precedents' within the local area. I have considered these examples, shown on a plan at page 1 of Appendix 4 of the Appellant's statement. Whilst these are local to the site, they do not fall within the same street as the appeal proposals and are in areas with different characters to that of the appeal site. To that

end, I do not consider those examples are directly comparable to this appeal scheme, and I have determined this appeal on its own merits.

13. I note the appellant has highlighted a fallback position in relation to the potential extension of the host dwelling, having regard to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, an extension would not be in the same position as the appeal proposal. The appellant has also drawn my attention to the existing garage and garden room to the rear of that garage, associated with the host dwelling, where they consider that this already demonstrates that the character of the area has changed as a result. However, I do not consider that the claimed fallback position, nor the existing extended garage are directly comparable to the appeal proposals and I am not persuaded that the appellant has the intention of carrying out an extension in any case.
14. Finally, I note the appellant's case that the Borough is an area of high demand for new housing and this counts in favour of the proposal. I also consider the addition of a single dwelling would bring economic and social benefits, including construction jobs and increased local spend. However, given the size of the proposal, I afford these benefits limited weight. I therefore do not consider these benefits outweigh the harm I have identified to the character and appearance of the area and the harm associated with the loss of the trees.

Conclusions

15. For the above reasons, and having regard to all matters raised, I conclude the appeal is dismissed.

Sian Griffiths

INSPECTOR