



Appeal Decision

Site visit made on 24 July 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal Ref: APP/Q5300/W/19/3227813

34 Balmore Crescent, Barnet, London EN4 9ND

- 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 M Zakayi against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03445/FUL, dated 5 September 2018, was refused by notice dated 6 November 2018.
 - The development proposed is the subdivision of the existing plot to build a new house at the end of a terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - (a) the character and appearance of the area with particular regard to siting, massing, dominance and building lines, and
 - (b) road safety.

Reasons

Character and appearance

3. The appeal site accommodates an end of terrace, three-storey dwelling, with associated garden ground to the side and rear. The appeal property is located on the corner of Balmore Crescent, which is characterised by the host 1960-70s terrace fronting onto public open space, and Leys Gardens, which is a tree-lined avenue of 1930s style dwellings with generous front gardens, open frontages and set-back building lines.
4. The proposed development would extend the Balmore Crescent terrace into the side garden of No 34, and beyond the front building line of Leys Gardens. As such, the siting of the proposal would disrupt the view of the building frontages along Leys Gardens, where the set-back forms part of the key characteristic of the street. In terms of massing, the proposed dwelling would be a continuation of the form of the host terrace. Whilst in itself, this massing would be acceptable, when combined with the identified inappropriate siting, it would have an overly dominant effect as experienced from the west of Leys Gardens, and from Cockfosters Road and the intervening open space. From these

viewpoints, the proposed dwelling would intrude into the key characteristic of the generous front gardens along Leys Gardens, despite the set-back of approximately 2m, such that the proposal would cause harm to these street scenes.

5. It is noted that the building line where Leys Gardens meets Freston Gardens is interrupted; however the context of that arrangement is predominantly of intimate residential character, whereas the context of the appeal site also relates to the area of open space, where a more open characteristic is appropriate. Similarly, on the opposite side of Leys Gardens to the appeal site, the building line is interrupted by the three-storey Heddon Court Parade. However, this is a landmark building announcing the presence of the commercial centre, and it has substantially greater separation distance between it and No 1 Leys Gardens than between the proposed dwelling and No 2 Leys Gardens. In coming to my conclusions, I have been able to adequately consider the relationship of the proposal to the adjacent dwelling at No 2 from the public realm. Furthermore, whilst the standard of design, the density of the development, the accommodation provided, and provision of garden space are not given as reasons for refusal by the Council, compliance with those relevant policies would not outweigh the harm I have found above.
6. I therefore conclude that the proposal would cause harm to the character and appearance of the area with particular regard to siting, massing, dominance and building lines. Consequently, in this regard, the proposal would conflict with Policies 7.4 and 7.6 of the London Plan, Policy 30 of the Enfield Plan Core Strategy, and Policies DMD 6, DMD 7, DMD 8, DMD 14, and DMD 37 of the Enfield Development Management Document. Together these policies require that development is well designed and appropriate within its context, amongst other considerations.

Road safety

7. Amended plans have been submitted by the appellant in order to address the Council's second reason for refusal, which cites insufficient details to demonstrate adequate visibility splays, to the detriment of road safety. Whilst the Council have not offered a response to these revised plans, no evidence has been submitted to suggest that appropriate visibility could not be satisfactorily provided at this location, subject to appropriate specification and design. Notwithstanding this, any agreement reached on visibility splays would not in itself overcome the harm I have found above. Furthermore, I have considered third party concerns relating to loss of on street parking, but note there is no objection on this point from the highways officer.

Conclusion

8. I have found that the proposed development would have a significantly detrimental effect on the character and appearance of the area. Furthermore, the provision of additional details relating to visibility splays does not outweigh the harm I have identified. For the reasons given above, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR