



Appeal Decision

Site visit made on 29 July 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/Q5300/W/19/3229168

76 Broadwalk, Southgate N21 3BJ

- 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 D Chawla against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03766/FUL, dated 2 October 2018, was refused by notice dated 27 November 2018.
 - The development proposed is demolition of single family dwelling, construction of 2 No. detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of single family dwelling, construction of 2 No. detached dwellings at 76 Broadwalk, Southgate N21 3BJ in accordance with the terms of the application, Ref 18/03766/FUL, dated 2 October 2018, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. During the course of the planning appeal, the Government published an update to the National Planning Policy Framework (the Framework) in February 2019. None of the revisions to the Framework significantly alter the issues in this appeal. As a consequence, there was no need to revert to the parties, however, for clarity, references to the Framework in this decision are to the National Planning Policy Framework 2019.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, with particular regard to the siting and spacing of the proposed dwellings.

Reasons

4. No 76 is a two storey detached house located at the corner of Broadwalk and Downes Court within an established residential area. It fronts onto Broadwalk, which is characterised predominantly by large detached houses in a spacious setting, while Downes Court contains smaller, more densely spaced detached and semi-detached houses. There is however some variety in the age and size of houses along Broadwalk, as well as in the proximity of the houses to each other in respect of plot size and the space between houses. Many houses appear to have been extended so that in some cases large houses are close

- together. Nevertheless, even where houses are closer together, the spacious setting and character of Broadwalk is retained by the wide road and the manner in which the houses are set back from the road.
5. The existing dwelling currently sits within a plot of some 39m in width to the front, which is one of the widest along Broadwalk. The proposal would see its replacement with two detached houses set within their own individual plots of some 19m and 20m in width respectively. The appellant's uncontested analysis of plot widths along Broadwalk indicates that these proposed plot widths are entirely comparable with the majority of properties on Broadwalk, and in that regard, would be in keeping with the established character.
 6. A separation gap of some 2m to No 78 and 2.7m between the proposed houses would be on the lower side within the street, but not wholly out of character with it. Because of the single storey nature of the development along the boundary at No 78, combined with the effect of the hipped roofs of the proposed houses, and the corner position, they would not appear cramped in the street scene. Furthermore, it is not a matter of contention between the parties that the design and height of the dwellings would relate appropriately to the street scene, and based on the evidence before me and my observations during my site visit, I have no reasons to disagree. The use of appropriate materials, enclosures and landscaping would help to further integrate the development as a sympathetic addition within the street scene, and could be secured by conditions.
 7. The plot depths would be shorter than most others along Broadwalk, but that is already the case for the existing property, and in any case, at some 22m long the rear gardens would not be small. Moreover, the front and rear alignment of the proposed houses would closely follow the existing so that the perceivable difference to the existing front and rear garden depths would not be significant. The front gardens would also provide ample space for parking, manoeuvring and landscaping, in keeping with the character of the street scene.
 8. Taken together, all these factors mean the proposal would not represent overdevelopment. Consequently, whilst the proposal would make more intensive use of the site and result in a change to its appearance on a prominent corner, it would do so in a manner that relates appropriately to the surrounding form and pattern of development within Broadwalk and without compromising its overall spacious character.
 9. Having regard to all of the above, I conclude that the proposal would not harm the character and appearance of the area. The proposal therefore accords, in this regard, to Policy 7.4 of the London Plan (LP) - Consolidated with alterations 2016, Policy CP30 of the Enfield Core Strategy (CS) 2010, and Policies DMD6, DMD8 and DMD37 of the Enfield Development Management Document (DMD) 2014. Collectively, these policies seek to ensure that new development is a high quality and respects local context and distinctiveness through among other things, having regard to the scale, form, pattern and density of surrounding development.

Conditions

10. I have had regard to the planning conditions that have been suggested by the Council. I have considered those conditions in the light of the Framework and

the Planning Practice Guidance, and where necessary, I have amended the wording to ensure clarity and precision to meet the relevant tests.

11. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary for the avoidance of doubt and in the interests of proper planning. Further conditions requiring approval of details of external materials, landscaping and enclosures are necessary to secure an appropriate appearance of the development. A condition to promote water conservation is necessary to conserve London's water supplies.
12. The Written Ministerial Statement (WMS) of 25 March 2015 sets out that where there are existing policies which reference the former Code for Sustainable Homes (CSH) such as in the CS and LP, it is still possible to apply a condition for equivalent energy performance requirements until amendments to the Planning and Energy Act 2008 in the Deregulation Act 2015 are commenced. However, the WMS guides that uplifts to Building Regulations should be no greater than equivalent to the former CSH level 4. I have, therefore, reworded the suggested condition accordingly to ensure consistency with the WMS. However, the proposed development does not suggest a need for a Display Energy Certificate to be provided and therefore a condition requiring the submission of such is not imposed.
13. The Council has suggested a number of conditions which remove permitted development rights. Notwithstanding that some of the suggested conditions are incomplete and without any reasons, given my findings on the main issue and the absence of any concerns raised by the Council in respect of living conditions, those conditions would be unreasonable, so they are not imposed.
14. The Council has also suggested conditions in respect of a sustainable drainage system and a construction management plan, but it seems to me such conditions would be unreasonable given the existing site use and the nature and small scale of the proposed development, so they are not imposed.

Conclusion

15. For all the reasons above, and subject to the conditions, I conclude that the appeal should be allowed.

Adrian Caines

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 in accordance with the following approved plans: 1605.P1.01, 1605.P1.03, 1605.P1.04, 1605.P1.05.
- 3) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, details of the materials to be used in the construction of the external surfaces of the dwellings, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 4) Before any above ground development hereby permitted takes place, excluding demolitions and site clearance, a landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of hard and soft landscaping, including planting species, sizes, layout and numbers.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first available planting season following the occupation of the dwelling to which they relate. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All hard landscape works shall be carried out in accordance with the approved details.
- 6) All new means of enclosure and gates shall be erected in accordance with details which have first been submitted to and approved in writing by the local planning authority prior to their erection and shall be permanently retained as such.
- 7) The dwellings hereby permitted shall not be occupied until the relevant requirements of a level of energy performance equivalent to ENE1 level 4 of the Code for Sustainable Homes have been met and the details of compliance provided to the local planning authority.
- 8) The dwellings hereby permitted shall not be occupied until details of the internal consumption of potable water have been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. The development shall be carried out in accordance with such details as approved and maintained as such thereafter.