



Appeal Decision

Site visit made on 24 July 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/Q5300/W/19/3227869

46 Eversley Park Road, Enfield, London N21 1JS

- 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 Bradgate Developments Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03179/FUL, dated 10 August 2019, was refused by notice dated 19 March 2019.
 - The development proposed is redevelopment of site and erection of a part single, part 2, part 3-storey block of 5 self-contained flats (3 x 2-bed, 2 x 3-bed) with associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of site and erection of a part single, part 2, part 3-storey block of 5 self-contained flats (3 x 2-bed, 2 x 3-bed) with associated car parking and landscaping at 46 Eversley Park Road, Enfield, London N21 1JS in accordance with the terms of the application, Ref 18/03179/FUL, dated 10 August 2019, subject to the conditions in the attached schedule.

Procedural matters

2. The description of the development as given on the application form is different from that provided on both the appeal form and the Council's decision notice; accordingly, I have used the latter description as it is more precise.

Main Issue

3. The main issue is the effect that the proposed development would have on the character and appearance of the area, with particular regard to design and massing along the site boundary and density of development.

Reasons

Character and appearance

4. The application site accommodates a detached, one-and-two-storey dwellinghouse on a corner plot bounded by three streets, with principle elevation and access onto Eversley Mount. The locality is characterised by a range of detached and semi-detached dwellings, of a wide variety of architectural styles and eras, with blocks of flats on both Eversley Park Road and Gallus Close. A number of buildings in the area are three storeys in height.

The proposed development is for demolition of the existing dwelling and erection of a block of flats of up to three storeys.

5. The design context for the appeal site is varied and, accordingly, a modern contemporary design is not in itself unacceptable. In this particular case, the proposed design uses flat roofs and terraces to create a stepped effect, particularly as seen from the eastern end of Eversley Mount. The stepped effect of the design helps to visually reduce the scale and bulk of the proposal. This visual reduction in massing is further assisted by the use of sunken ground and floor levels and use of strongly emphasised vertical windows. From my observations on site, I found that this contemporary design would not be so out of keeping with the existing variety of design styles that it would cause harm to the character and appearance of the appeal site or wider locality.
6. It is not entirely clear what boundary the Council are referring to in their reason for refusal, however, I have considered the effects of the proposal to all boundaries and to all neighbouring properties. The scale, bulk and location of the proposal along the boundary with No 26 Gallus Close is indeed larger than existing. However, the height of the three-storey element in particular aligns with the gable end of No 26, with remaining elements either reducing in height or being set back from this boundary. A similar effect would occur along other boundaries. Whilst the proposed flat-roofed second floor would, in visual terms, appear larger than the pitched roof of the existing dwelling, this would be no more inappropriate in this varied street scene than the existing three-storey buildings elsewhere in the locality.
7. In terms of overdevelopment of the site, it is noted that the density of the proposed development is higher than existing when considered solely as unit numbers. However the footprint of the proposal is not substantially different to existing. As a consequence, when considered alongside my findings in terms of mass and scale, and in the absence of any detailed case for the Council, I find that the density would not represent overdevelopment of the site and consequently would not cause harm.
8. Overall, the development appears to me to be an acceptably designed solution that responds to the constraints of the site. Accordingly, I find that the proposed development would not harm the character and appearance of the area, with particular regard to design and massing along the site boundary and density of development. As such, the proposal complies with the requirements of Policy CP30 of the Enfield Council Core Strategy, Policies DMD 6, DMD 8, and DMD 37 of the Enfield Development Management Document, and Policy 3.5 of the London Plan. Together these policies aim to require development to be well designed and appropriate within its context, amongst other considerations. Furthermore, the proposal would not conflict with Policies DMD 7 and DMD 9 of the Enfield Development Management Document insofar as they may be relevant for this appeal.

Other matters

9. Concern has been raised regarding the loss of an Ash tree within the site that is subject of a Tree Preservation Order. In the absence of any evidence to the contrary, I give significant weight to the expert evidence contained within the submitted arboricultural report and the consultation advice from the Council's tree officer. Whilst the loss of the tree is regrettable, on the basis of this evidence, it is apparently inevitable. The existing boundary hedges do provide

a landscaped setting for the existing house that contributes to the street scene, however I see no reason why an appropriately designed landscaping scheme for the proposal would not provide equal contribution.

10. Reference has been made by a third party to walls around the Victorian kitchen garden at Eversley Mount being locally listed. I have not been provided with precise details about this non-designated heritage asset, therefore I am not entirely clear exactly which walls are being referred to. Nonetheless, I consider that all of the walls within the immediate vicinity of the appeal site make a modest contribution to the street scene. In making a balanced judgement, as required by paragraph 197 of the National Planning Policy Framework, I find that the appeal proposal as a whole, including removal of part of the wall along the appeal site boundary, would not cause such harm to a non-designated heritage asset or its setting that would outweigh my above findings.
11. I have considered submissions regarding the provision of balconies as outdoor space for the flats. However, these have been carefully sited and arranged as part of the overall design and do not read as incongruous. Concerns have also been raised by neighbours relating to loss of privacy, overlooking, and loss of light, although I note that these are not reasons for refusal by the Council. I find that, without mitigation, there would be some loss of privacy, particularly from the proposed terraces and the first and second floor windows on the southern elevation. However, this can be appropriately addressed through screening and window treatments. Given the orientation of the proposed building to the north of No 26, any loss of light to this property or others would be minimal. Overall, the living conditions of adjacent and nearby properties would not be unduly compromised.
12. Notwithstanding concerns about loss of on-street parking, I note that the Council's highway engineer is satisfied with the proposed parking arrangements, which I also find to be appropriate. Similarly, there is no reason why emergency or any other form of access should be restricted by the proposal, or why it would increase the risk of accidents or worsen road safety. Whilst traffic levels will intensify to a degree, the residual cumulative impacts would be minor. Similarly, any additional noise and pollution associated with that increased traffic would be limited and would not outweigh my above findings on the main issue.
13. In considering objections relating to ecology, I afford significant weight to the Preliminary Ecological Appraisal Report which concludes that the appeal site is of limited ecological value. In terms of use of resources, the impact of the proposal is limited, particularly in the context of the Government's objective to significantly boost the supply of housing. Concerns have also been raised at setting an undesirable precedent, however, given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area. Whilst I am advised that potential restrictive covenants exist on the site, this is a private matter which is outside my jurisdiction and, in any case, I must consider the proposal on its merits.
14. Provision of terraces as outdoor space is not a matter that is determinative to this appeal given the Council's confirmation of Oakwood Park being within walking distance, and the difficulty in providing such outdoor space to flats. I do not consider light pollution from the development would be any more

significant than currently exists in the wider locality. Whilst land contamination has also been raised as a concern, I see no evidence that this is the case. Strain on local services is unlikely to increase to any significant degree as a result of this relatively small scale proposal.

15. Neighbours have stated that flats are not needed and therefore this development is unnecessary. On the other hand, the appellant has made submissions in respect of the deficiency of the Council's five year housing supply. Notwithstanding these positions, I have found that the development accords with the development plan. Consequently, it is not necessary for me to engage paragraph 11(d) of the Framework and assess housing need or supply.

Conditions and conclusion

16. The Council has provided conditions to which the appellant has given written agreement. To ensure that the conditions meet the tests set out in paragraph 55 of the Framework, I have removed a number of conditions that are unnecessary. The number and size of units is already described; the construction management of this scale of development can be adequately managed by other legislation; and verification of drainage implementation can be carried out through routine compliance powers.
17. I have also amended other conditions for clarification and to ensure compliance with the tests. Condition 2 is to provide certainty and to ensure that the development is built in accordance with the approved plans. Conditions requiring further details of materials, surfacing, architectural features, boundary treatments, landscaping and levels are all necessary to ensure the external appearance prevents harm to the street scene. Conditions 10 and 11 will preserve privacy and maintain acceptable living conditions for neighbouring properties. Conditions relating to access, parking, vehicle charging and cycle provision are required in the interests of road safety and to encourage sustainable transport. Conditions to agree refuse storage is necessary to avoid harm to living conditions and appearance of the street scene, and agreement of water management measures is required to ensure sustainable drainage and use of water resources. Compliance with submitted energy saving measures will ensure sustainable design remains integral to the development.
18. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Patrick Hanna

INSPECTOR

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46 Eversley Park Road, Enfield, London N21 1JS

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: 1357_301, 1357_302; 1357_303; 1357_305 (Rev F); 1357_306 (Rev F); 1357_307 (Rev F); 1357_3013 (Rev D); 1357_3013 (Balconies, Railing and Screening Louvres); and 1357_301 (Proposed Cycle Storage).
- 3) No above ground works shall commence until details or samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the development is occupied.
- 4) No above ground works shall commence until details of all proposed architectural features (including window surround detailing, window frames, and balconies) at a scale of 1:20 have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the development is occupied.
- 5) No above ground works shall commence until details of all external surfacing materials (including footpaths, access roads, parking areas and road markings) have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the development is occupied.
- 6) No above ground works shall commence until details of all enclosure and boundary treatments have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the development is occupied.
- 7) No post demolition excavation shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include replacement tree planting, indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) No development other than demolition and ground clearance shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
- i) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - ii) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 10) The building hereby permitted shall not be occupied until the first and second floor windows in the south elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed shall be retained thereafter.
- 11) The building hereby permitted shall not be occupied until privacy screens to a height of 1.7 metres above finished floor level have been installed to the sides of the balconies. Details of the siting and precise specification of the privacy screens shall be submitted to and approved in writing by the local planning authority before the screens are installed and once installed shall be retained thereafter.
- 12) No above ground works shall commence until construction details of the access (including any alterations to the highway), parking area and location of charging points for electric vehicles have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the development is occupied. Thereafter the parking area shall be kept available at all times for the parking of vehicles.
- 13) The secure covered cycle parking hereby permitted shall be provided before the development is occupied.
- 14) No above ground works shall commence until a refuse and servicing access management plan has been submitted and approved by the local planning authority in writing.
- 15) No above ground works shall commence until details of the siting and design of refuse storage facilities including facilities for the recycling of waste to be provided within the development have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details before the development is occupied.
- 16) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable

drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 17) The building hereby permitted shall not be occupied until details of the internal consumption of potable water have been submitted to and approved by the local planning authority in writing. Submitted details will 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 relevant works shall be carried out in accordance with the approved details before the development is occupied and maintained as such thereafter.
- 18) The development hereby permitted shall be carried out in accordance with the energy saving measures identified in the submitted Energy Strategy Statement (Version 2) by Briary Energy dated September 2018.

End of Schedule