



Appeal Decision

Site visit made on 19 September 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 10th October 2019

Appeal Ref: APP/Q5300/W/19/3221983

Land to the Rear of 102-104 First Avenue, Enfield EN1 1BP

- 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 East Crescent Developments Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/04821/FUL, dated 26 November 2018, was refused by notice dated 23 January 2019.
 - The development proposed is a pair of semi-detached 3 bed dwellings to replace a suite of derelict garages and workshops fronting on East Crescent; with primary accommodation at basement and ground floor levels and additional accommodation in roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area, in particular the streetscene; and (b) the living standards of the future occupiers and (c) the risk of flooding.

Reasons

Character and Appearance

3. The proposed development includes the demolition of garages and workshops which, although within the rear gardens of 102 and 104 First Avenue, front East Crescent and their replacement by a pair of semi-detached dwellings. These structures form part of a small group of similar outbuildings which are located within a predominantly residential area.
4. The area surrounding the site is characterised by predominantly 2-storey detached and semi-detached dwellings of traditional design, appearance and choice of materials. These dwellings generally have pitched gable and hipped roofs. The existing garages are not of a high quality appearance but are typical of such domestic outbuilding located within a residential area. Policy CP5 of Enfield Council's Core Strategy (CS) refers to, amongst other matters, balancing the most efficient use of land whilst respecting the quality and character of existing neighbourhoods.
5. The proposed semi-detached dwellings would be of a contemporary design including a basement and residential accommodation within the roofspace

above the ground floor. The proposed roof would be predominantly pitched but there would be a green flat roof element.

6. The National Planning Policy Framework (the Framework) identifies that great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Fitting into the surroundings is, amongst other matters, echoed in Policies DMD 6 and 8 of the Development Management Document (DMD) which promote high quality design and developments both respecting the character of an existing neighbourhood and being appropriate to the existing pattern of development.
7. The proposed dwellings would reflect the current siting of the garages by being close to the footway. However, this markedly contrasts with the existing residential properties fronting East Crescent which are set back from the road to the rear of front gardens that are landscaped or used for parking. The appeal scheme would also not fit into the streetscene with the other retained outbuildings fronting East Crescent. There can be no certainty that these other outbuildings would come forward for development with the same form and design. Alterations to the external materials of the appeal scheme would not address the significant harm which has been identified.
8. Although the dwellings would be of a contemporary design, the appeal scheme would not be so outstanding or innovative so as to outweigh departing from the general character and appearance of the surrounding residential area. The design of the proposed dwellings, roof form and choice of materials would, as claimed by the Council, result in an incongruous development within the context of the surrounding residential properties.
9. Reference has been made by the appellant to other similar schemes. However, the images provided for Neston Avenue and Weardale Road do not provide an indication of the wider context for these schemes. The dwelling at 2 Old Park Riding is located within a rear garden rather than fronting a road. Limited weight has, therefore, been given to these other schemes in the determination of this appeal.
10. On this matter it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, in particular the streetscene, and, as such, it would conflict with the Framework, Policy 7.4 of the London Plan; CS Policy CP5 and DMD Policies DMD 6 and 8. DMD Policy DMD 5 refers to residential conversions and is not of direct relevance to this main issue.

Living Standards

11. At basement level the proposed dwellings would have 2 bedrooms with their openings orientated to face south west. Although below ground level, the combination of the orientation of the dwellings and the lightwells proposed would ensure that sufficient sun and day light would reach these habitable rooms. However, the retaining wall of the proposed lightwells would be around 2 metres from these bedroom openings.
12. The predominant outlook from the bedrooms would be towards the retaining wall. There would be a limited view from the windows above the wall but this

would, in part, be impeded by the bridges over the lightwells to access the private gardens. Unacceptable harm would be caused to the living conditions of the occupiers of the proposed dwellings by reason of outlook.

13. Reference has been made by the appellant to a scheme at 2 Old Parks Ridings where a basement window facing a retaining wall of a lightwell was approved by the Council. However, although an image has been provided, limited details of the full planning circumstances of this other scheme are unavailable. It appears only 1 bedroom was proposed at basement level of this other scheme with no access bridge to a garden. In the case of this appeal scheme, there would be 2 bedrooms with an outlook towards a retaining wall.
14. Other schemes with basement windows identified by the appellant relate to different local planning authority areas and their full details have not been provided, including any relevant policies or design guidance. For these reasons, only limited weight is given to all these other schemes in the determination of this appeal.
15. A material amendment to the appeal scheme has been suggested by the appellant which would result in a tiered retaining wall but this has not been the subject of any comment or consultation, including whether sufficient private amenity space would be provided. There is also a lack of clarity about the implications, if any, for the design and siting of bridges proposed over the widened lightwells to provide access to the garden. For these reasons, the appeal has been determined based upon the scheme assessed by the Council.
16. The Council has raised concerns regarding the external layout of the proposed development, in particular the siting of the proposed refuse containers, which would impact on cycle access for future occupiers and the opening of their car doors. The appellant has indicated that the refuse containers could be stored within the rear garden and this amendment could be secured by a condition. I am satisfied that such an amendment would not result in any material changes to the proposed development which would need to be assessed. However, this matter does not outweigh the unacceptable harm which has been identified.
17. For the reasons given, it is concluded that the proposed development would fail to provide satisfactory living standards for future occupiers and, as such, it would conflict with the Framework which seeks a high standard of amenity for existing and future users. CS Policies CP4 and CP30 are not of direct relevance to this main issue being concerned with the quality of the built environment rather than matters related to the living standards of future occupiers. LP Policy 3.5 does refer to the quality of residential accommodation but specifically space standards which are not raised as an issue in the reasons for refusal.

Risk of Flooding

18. The Council's reason for refusal on grounds of flooding and surface water drainage is based upon a lack of detail. However, the site is within Flood Zone 1 which is an area not at risk of flooding and the proposals include a reduction in the extent of the existing hardstanding and a proposed green roof. There would be the opportunity to require a surface water drainage scheme submitted prior to the commencement of development. This could be secured by a suitable condition similar to the Council's suggested condition. For these reasons, it is concluded that the proposed development would not result in an unacceptable risk of flooding and, as such, it would not be contrary to the

flooding and drainage policies of the Framework, CS Policies CP28 and CP29 and DMD Policies DMD 62 and 63.

Other Matters

19. Reference has been made by the appellant to Policy H2 of the draft London Plan which supports small residential schemes subject to there being no overriding harm. This draft policy has yet to be adopted as part of the development plan and has being given limited weight in the determination of this appeal.
20. The appellant has identified that the Council is not meeting its housing requirement, even before an increase in provision associated with the draft London Plan. Without a 5-year supply of housing land, the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework would apply to the appeal scheme. No 5-year housing land supply position has been provided but, based upon the monitoring information available, there does appear to be a shortfall in the delivery of new homes of the scale identified by the appellant.
21. There would be other benefits associated with the erection of 2 dwellings, including the site being within the urban area where there is access to local facilities and the encouragement for a smaller housebuilder to develop the scheme. Significant weight is given to these matters within the context of the identified shortfall in delivery of new homes.
22. However, the policies that are most important for determining this appeal identified in this decision are consistent with the Framework's policies. When assessed against the policies in the Framework taken as a whole, this is a case where the unacceptable harm which has been identified, and the conflict with the relevant policies of the development plan, significantly and demonstrably outweigh the provision of the additional dwellings. For these reasons, the appeal scheme would not be sustainable development and a decision other than in accordance with the development plan is not justified.

Conclusion

23. Although the proposed development would not result an unacceptable risk of flooding, this matter is demonstrably outweighed by the significant harm which would be caused to the character and appearance of the surrounding area, in particular the streetscene, and the failure to provide satisfactory living standard for future occupier. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR