The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2019

by Martin Small, BA (Hons), BPl, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/Q5300/W/19/3230054
Lansbury Way, Edmonton, N18 1DB

- 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 Andrew Bantock against the decision of the Council of the London Borough of Enfield.
- The application Ref: 18/04770/FUL dated 7 December 2018, was refused by notice dated 6 February 2019.
- The development proposed is the erection of 2-bedroom house across ground and first floor levels including formation of car and bicycle parking and bin storage.

Decision

1. The appeal is dismissed.

Procedural Matters

2. There is another appeal for a dwelling on this site which differs principally in the detail of its design[1]. As the proposals are on the same site, some of the commentary under my reasons for each proposal is similar. However, I have considered each particular proposal separately and on its individual merits.

Main Issues

3. The main issues are the effect of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of 37 Lansbury Avenue.

Reasons

Character and appearance

4. The appeal site is located on the corner of Lansbury Way and Lansbury Avenue in a mature residential area characterised by 2-storey dwellings of similar age and design set back from the street with front gardens or hard standings. The setting back of the dwellings at either end of Lansbury Way creates a spacious feel along this short road. Lansbury Avenue has both semi-detached and terraced properties with predominantly hipped roofs and front-facing gables that 'bookend' or punctuate the terraces.

5. Notwithstanding the triangular corner plots at the junction of Lansbury Avenue with Weir Hall Road and the wider corner plot of 35 Lansbury Avenue, the form and sizes of the plots along Lansbury Avenue are generally similar, with the

[1] APP/Q5300/W/19/3229001

plots of the terraced properties being slightly narrower than those of the semi-detached properties.

6. Therefore, rather than the 'mixed character and complete lack of architectural uniformity' suggested by the appellant, the largely consistent form and pattern of development creates a distinctive and robust character in Lansbury Way and Lansbury Avenue.

7. The appeal site is wider than or comparable with the width of the plots of dwellings within the terraces along Lansbury Avenue, but narrower than the plots of No. 37 and of the semi-detached dwellings in the vicinity. It does not reflect the size and / or configuration of the other corner plots on Lansbury Avenue. By extending across the full width of the plot, the proposed development would appear to be squeezed in and would not be consistent with the prevailing pattern of development in the area.

8. Furthermore, although on a corner plot, the development would face Lansbury Avenue and be seen in the context of other dwellings on that street. The detached form of the proposed dwelling would be at odds with the prevailing form of development in the area and would be incongruous in the street scene of Lansbury Avenue, disrupting the rhythm of the existing development along the road.

9. By being on a corner plot the proposed development would be visible from both Lansbury Way and Lansbury Avenue. The proposed development would result in built form immediately alongside Lansbury Way, diminishing its spacious character and disrupting the current balance in built form at the junction with Lansbury Avenue.

10. From the evidence before me, the appeal site once accommodated garages but it is currently vacant. At the time of my site visit it was largely hidden behind high wooden panels although it was possible to see into the site when standing outside 37 Lansbury Avenue. The current derelict and boarded site is untidy and unsightly and detracts from the appearance of the locality. However, the proposed development would be a more substantial and permanent replacement which would be harmful to the character and appearance of the area.

11. From the evidence before me, the appeal site is not within a Conservation Area nor are there any listed buildings in the vicinity. However, Core Policy 30 of The Enfield Plan Core Strategy 2010-2025 (2010) (the ECS), Policies DMD 6, DMD 8 and DMD 37 of the Development Management Document (2014) (the DMD) and Policy 7.4 of The London Plan[2] (2016) apply to all areas, not just Conservation Areas. In combination, amongst other things, these policies require developments to have special regard to their context, to be appropriate to the existing pattern of development, to be of an appropriate scale, to reinforce locally distinctive patterns of development and have regard to the form and structure of an area.

12. Paragraph 9 of the of the National Planning Policy Framework (the Framework) requires planning decisions to take local circumstances into account to reflect the needs and opportunities of each area, but also its character. Paragraph 127 c) of the Framework requires planning decisions to ensure that

[2] The Spatial Development Strategy for London Consolidated with Alterations since 2011.

developments are sympathetic to local character, including the surrounding built environment. Whilst appropriate innovation or change should not be prevented or discouraged, the proposed development would not be appropriate for the reasons given above.

13. I note the appellant's references to other infill developments granted permission elsewhere in London. I do not have the full details of these other developments and, in any event, it is an established principle that each proposal should be determined on its own merits. I therefore give little weight to these references.

14. Accordingly, I conclude on this issue that the proposed development would be harmful to the character and appearance of the area and thus conflict with Core Policy 30 of the ECS, Policies DMD 6, DMD 8 and DMD 37 of the DMD and Policy 7.4 of The London Plan in this respect. The development would also conflict with paragraph 127 c) of the Framework in this respect.

Living conditions

15. The appellant submitted a Daylight/Sunlight report with the application. This demonstrates that the daylight availability to 37 Lansbury Way (No. 37) with the proposed development would meet Building Research Establishment (BRE) recommendations with the exception of a secondary window to a kitchen at ground floor level. The Council has noted that this room is lit by other windows in the rear elevation of No. 37 and considers that the room would continue to receive adequate daylight. I share this view.

16. The Daylight/Sunlight report demonstrates that the proposed development would result in only 28% of the rear garden of No. 37 receiving at least 2 hours of sunlight on 21 March compared to 63% without the proposed development. This is a substantial reduction and would be significantly below the BRE's recommendation for 21 March of at least 50% of the garden area. Although by 21 April 68% of the rear garden would receive at least 2 hours of sunlight, this would be reduction from 82% without the proposed development. The proposed development would therefore fail to preserve sunlight to No. 37 as required by Policy DMD 8 of the DMD.

17. I find no conflict with Policy Core Policy 4 of the EPCS or Policy DMD 9 of the DMD or Policy 3.5 of the London Plan. These relate to the standard of accommodation and amenity space within new development rather than the living conditions of the occupiers of neighbouring properties. The Planning Officer's Report confirms that the Council is satisfied that these standards are met. I do not find any conflict with Policies DMD 6 or DMD 37 of the DMD which relate more to the effect of a proposed development on the character and appearance of an area than the living conditions of the occupiers of neighbouring properties. Nevertheless, for the reasons above, I conclude on this issue that the proposed development would be contrary to Policy DMD 8 of the DMD in this respect of the loss of sunlight to the neighbouring property.

Other Matters

18. The Council's third reason for refusal relates to a failure to demonstrate that the site is safe from flooding and that the proposed development would not increase flood risk elsewhere. I note that the Council's SuDS Officer objected to the application on the basis that neither a groundwater Flood Risk

Assessment in support of the basement nor a Sustainable Drainage Strategy had been submitted with the application.

19. Nevertheless, the Environment Agency's Flood map for planning shows the appeal site to be located within Flood Zone 1, an area of low probability of flooding. I have no evidence to demonstrate that the appeal site is or might be at risk of groundwater flooding or is situated within a Critical Drainage Area.

20. Against this background, from the evidence, I consider that the Council has not substantiated its claims regarding flood risk. Accordingly, I am unable to conclude that this issue would form the basis of a reason for withholding planning permission.

21. The London Plan seeks to increase housing supply and to optimise housing potential. This approach is carried through to the emerging Draft London Plan, in particular Policy H2. Policy CP2 of the ECS recognises the important contribution of small sites to meeting the identified housing demand and paragraph 2.4.6 of the DMD supports the use of previously developed land. The Framework refers to the Government's objective of significantly boosting the supply of housing, identifies the contribution that small and medium sites can make to that supply and encourages the efficient use of land.

Planning Balance and Conclusion

22. The policies of the ECS, adopted London Plan, emerging Draft London Plan and Framework relating to the provision of housing lend support to the proposed development. However, the provision of one additional dwelling would be a very modest contribution to the housing supply and does not outweigh the conflict with the policies of the adopted development plan and the Framework in respect of character and appearance and living conditions that I have identified above.

23. For the reasons given above, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR