



Appeal Decision

Site visit made on 07 June 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2019

Appeal Ref: APP/Q5300/W/19/3224672

Land adjacent to 37 Browning Road, Enfield, London, EN2 0EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Richard Sanders against London Borough of Enfield.
 - The application Ref 18/01950/FUL, is dated 08 May 2018.
 - The development proposed is construction of a new five-bedroom house including garage on a site currently used as a transport yard. Removal of existing pre-case, concrete/asbestos garage and other sheds.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a new five-bedroom house including garage on a site currently used as a transport yard, removal of existing pre-case, concrete/asbestos garage and other sheds at 37 Browning Road, Enfield, London, EN2 0EJ in accordance with the terms of the application, Ref 18/01950/FUL, dated 08 May 2018, and the plans submitted with it, subject to the following 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: 790-06 B, 790-10 and 790-11.

Procedural Matters

2. I have amended the site address from that set out on the planning application to improve its clarity.

Main Issues

3. The main issue is whether the appeal development would comply with policies of the Development Plan, and if it would, whether other material considerations should indicate that a decision should be made other than in accordance with it.

Reasons

4. The appeal proposal is for a new dwelling, attached to No 37 on a site that currently contains a number of outbuildings. The Council has not provided a

statement of its case to assist me in understanding whether it finds the proposal acceptable, or if it does not, why.

5. The new dwelling would use materials to complement or match those at the existing house and would be of a scale and form compatible with the character of the area. Whilst the design approach to the front elevation would be different to existing houses along the road, it would represent a modern take on the more traditional designs of houses around it. There would be landscaping to the front and rear. Overall, I find that the effect of the proposal on the character and appearance of the area would be acceptable.
6. I viewed the relationship between the proposal and existing neighbours on my visit. It did not appear to me on that visit that there would be any unacceptable impact on living conditions at neighbouring properties resulting from the proposal. There is no evidence before me to suggest that this would be the case. Accordingly, I am satisfied that the effect of the proposal on living conditions for neighbours would be acceptable.
7. The house would be served by an off-street parking space within a garage, which would also provide for cycle parking. There is no evidence before me, and I saw nothing on my site visit to suggest that the transport impacts of the proposal would be unacceptable. I note that the Council's Highways Officer appears to be comfortable with the proposal, but for a requirement for a cycle parking condition, that I turn to below.
8. Overall, I am satisfied that the proposal would be consistent with those development plan policies that are before me and that appear relevant and there is no evidence before me to suggest that any other material planning considerations should dictate that planning permission should be withheld in this case.

Conditions

9. I have attached conditions requiring that the development is commenced within three years and in accordance with the approved drawings.
10. The Council provided a list of further suggested conditions. One of those sought details of cycle parking within the garage. One of the approved drawings shows such provision. The Council's Highways Officer appears concerned that the plan does not show that a large car together with cycles could be stored within the garage. It appears to me however that there would be alternative locations for the cycles within the garage (at the rear, for example), in the event that a car parked was larger than the one shown on the plan. I am satisfied that adequate cycle parking could be provided and so I do not find that this condition would be necessary.
11. Two suggested conditions seek details relating to energy usage at the property. The appellant has submitted an Energy Statement, that describes measures that could be utilised to reduce carbon emissions at the site. I do not know whether that Statement was submitted with the planning application, but if it was submitted with the appeal, the Council has had an opportunity to comment on it and has not done so. In the absence of evidence to the contrary, I have no reason to conclude that the energy demands of the house would not be within acceptable levels and so I do not find that these conditions would be necessary in this case.

12. A further condition requires compliance with prescribed water use standards. The Council refers to a policy CP21, but I note that this policy does not appear to set the standard referenced in the suggested condition. A second London Plan policy cited is not before me. Accordingly, I am not satisfied that this condition is necessary.
13. A further condition seeks to remove certain permitted development rights. The National Planning Practice Guidance advises that Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. Only very limited justification for this condition has been provided by the Council and in the context of the circumstances at the site, that I saw on my visit, and in the absence of compelling justification, I am not satisfied that such a condition would be either reasonable or necessary in this case.

Conclusions

14. For the reasons that I have described, this appeal should be allowed, and planning permission granted.

N Smith

INSPECTOR