
Appeal Decision

Site visit made on 16 September 2019

by David Carter BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2019

Appeal Ref: APP/Q5300/W/19/3233153

Land Rear Of 74 Broad Walk, London N21 3BX

- 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 Waldron Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01400/FUL, dated 12 April 2019, was refused by notice dated 7 June 2019.
 - The development proposed is erection of 2 x 2-storey, 4-bedroom semi-detached dwellings, provision of landscaping, access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 x 2-storey, 4-bedroom semi-detached dwellings, provision of landscaping, access and parking at Land Rear of 74 Broad Walk, London N21 3BX in accordance with the terms of the application Ref 19/01400/FUL, dated 12 April 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Waldron Properties Ltd against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - i. The impact of the proposal on the character and appearance of the area.
 - ii. The effect of the proposal on flood risk.
 - iii. The effect of the proposal on the amenity value of a tree

Reasons

Character and appearance

4. The appeal site comprises a plot of land located adjacent to No.15 Downes Court (No. 15). It was formerly part of the rear garden of No. 74 Broad Walk (No. 74). Downes Court comprises a mix of detached and semi-detached properties. The dwellings closest to the appeal site on both sides of the road are detached. There is a mix of architectural styles in the immediate vicinity of the site, primarily as a result of more recently constructed properties on the opposite side of Downes Court. Dwellings on Broad Walk are grander in scale and, even after subdivision, No. 74 still possesses a large rear garden. No. 74

and No. 76 Broad Walk are large corner plots with mature trees and vegetation which provide a very attractive and spacious setting as one approaches the housing on Downes Court.

5. The proposed pair of semi-detached dwellings are described as 2-storey and would appear as such from the street elevation. The proposals would include accommodation in the roof space including dormer windows to the rear, one skylight to each side and a roof light. This is essentially a third floor and there would be a significant area of flat roof, although this would be disguised by the proposed hip roofing, to a steeper angle compared to adjoining properties, on all sides. I consider that the roof would not be overly dominant and note that most of the properties on Downes Court have utilised roof space with a number featuring dormer windows to the side and rear. No 9 has a significant amount of flat roofing which is visible from the frontage.
6. The proposed dwellings would be set on the established building line and the spacing from the side elevations of the new dwellings to the site boundaries would be adequate. The spacing between No.15 and the new dwellings would be greater than the existing spaces between the detached dwellings on this side of Downes Court. The height of the new dwellings would be acceptable when the gently sloping nature of Downes Court is taken into account.
7. A significant difference between the proposed dwellings and most dwellings on Downes Court would be the footprint of the building in comparison with the size of the plot. Viewed from above this may give the impression of a more cramped type of development but, given the amount of mature vegetation surrounding the proposed dwellings, this would be acceptable as it would be viewed from the street scene. It should also be noted that the rear gardens proposed would still significantly exceed the minimum size required by the Council for this size of property. As a pair of semi-detached houses, the new building would have a greater bulk and proportions compared to the immediately adjacent detached dwellings but, in terms of width, no greater than the extended semi-detached pair further along Downes Court and elsewhere on the same estate. I therefore do not consider the proposal amounts to overdevelopment of the site.
8. The proposed fenestration is different to that prevailing on Downes Court but this also applies to the closest properties on the opposite side of the road. Since the new dwellings are at the end of a row of housing, this variation would be acceptable, add some variety and be complementary to the street scene.
9. I conclude that the proposed development would be to a high standard of design that would not be harmful to the character and appearance of the area. Accordingly, the proposed development would be consistent with: the Development Management Document (2014) (DMD) Policies DMD 6, DMD 7, DMD 8, DMD10 and DMD 37; The Enfield Plan Core Strategy 2010-2025 (2010) (CS) Policy CP30; and The London Plan (2016) Policies 3.5, 7.4 and 7.6. Collectively these plans and policies seek to encourage a high quality of development in a manner which is sustainable and protects and enhances the character and appearance in the area in which the development takes place. The proposal also accords with the Framework in relation to achieving well designed places.

Flood risk

10. As part of the appeal the appellants have provided a Drainage Strategy and Flood Risk Statement. This was made available to the Council close to the date of the decision and was not fully considered as part of the Council's determination of the planning application, based on the information before me. The report has subsequently been considered by the appropriate section of the Council (set out in an email on behalf of SuDS Applications to the appellants agents dated 19 July 2019). This response suggests that further work is required to settle this matter, stating that the information is preferably provided up-front to avoid the alternative of a condition.
11. My view on this matter is that the drainage information submitted thus far has been insufficient and will need to be further addressed to the satisfaction of the Council. However, this is a matter that could be dealt with by way of a condition. Since the appeal site falls within Flood Zone 1, this would be an appropriate way to proceed, consistent with the approach in the Framework. By doing so the development, subject to a suitably worded condition, would also comply with CS Policies 28 and 29, and DMD Policies 62 and 63. These policies seek to manage drainage to minimise the risk of flooding on-site and elsewhere.

Tree loss

12. The 4th reason for refusal concerns the loss of a tree planted immediately outside of the application site on the public footway. This tree has been planted as part of a wider tree-planting programme. However, it has been planted relatively recently and it currently has limited amenity value.
13. To my mind there remains some doubt if the tree would be adversely affected or lost by the proposed development since, it is shown remaining in-place on the drawings, albeit close to the proposed new footway crossing to the new dwelling that would be designated No 17 Downes Court. I note the appellants have suggested relocation/replacement in their final comments.
14. The Council have indicated that the young tree is becoming well-established and suggest its removal or relocation would not be acceptable. I disagree, and consider that in the event that the tree could not be retained in its current location, then its relocation or replacement to an alternative position to be agreed by the Council would be an acceptable, if less desirable, fallback. The Council have suggested a condition to ensure the protection of the tree in the event I were to allow the appeal. I have suggested amendments to allow flexibility should relocation prove to be necessary. My conclusion on this matter is the tree affected is not covered by a Tree Preservation Order so the approach I have suggested is consistent with DMD Policy DMD 80.

Other matters

15. Subject to conditions there would be no harmful impacts on the living conditions of nearby residents arising from the development including, loss of daylight, privacy and overlooking. In particular, concerns at the possible use of the first floor balcony (and even the flat part of the roof) as amenity space can be eliminated.

16. With regard to transportation, the site has easy access to train services to central London, bespoke cycle parking as well as sufficient provision for car parking on the driveway.

Conditions

17. I have set out 10 Conditions in the attached schedule. I consider these are necessary to ensure that the development is carried out satisfactorily, meeting the six tests set out in-paragraph 55 of The Framework.
18. The Conditions add to and amend those suggested by the Council. Conditions 1 and 2 cover time limits, plans and details in the interests of certainty. Conditions 3, 4 and 5 deal with construction materials, landscaping and boundary treatments and levels and are required in respect of character and appearance. Conditions 7 and 8 deal with the outstanding matters in relation to the street tree and sustainable drainage which I have dealt with above. In order to protect the amenity of nearby residents: Condition 6 covers the need for a construction method statement; Condition 9 removes permitted development rights to ensure no further openings are provided without the express consent of the local planning authority, and Condition 10 limits the use of flat roof areas to maintenance-only. Pre-commencement conditions (5, 6, 7 and 8) are necessary to secure a satisfactory development and have been agreed with the appellant.

Conclusions

19. For the reasons set out above I hereby allow this appeal and grant planning permission, subject to conditions.

David Carter

INSPECTOR

SCHEDULE OF CONDITIONS (10 in total)

1) The development hereby permitted shall begin not later than 3 years from the date of this decision

2) Unless required by any other condition attached to this Decision, the development hereby permitted shall be carried out in accordance with the following approved plans and documents:

ProMap Location Plan
BW-10, Proposed Plans and Elevations
BW-11 Rev B, Site Plan
BW-12, Street Scene Comparison

3) Prior to the commencement above slab level, details of the external finishing materials to be used shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

4) Prior to the commencement above slab level, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i. boundary treatments;
- ii. hard surfacing materials;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied and thereafter retained.

5) The development shall not commence until plans detailing the existing and proposed ground levels including the levels of any proposed buildings, roads and/or hard surfaced areas have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

6) The development shall not commence until a construction management plan has been submitted to and approved by the local planning authority. The construction management plan shall be written in accordance with London Best Practice Guidance and contain:

- i. A photographic condition survey of the public roads, footways and verges leading to the site.
- ii. Details of construction access and associated traffic management.
- iii. Arrangements for the loading, unloading and turning of delivery, construction and service vehicles.
- iv. Arrangements for the parking of contractors' vehicles.
- v. Arrangements for wheel cleaning.
- vi. Arrangements for the storage of materials.
- vii. Hours of work.
- viii. The storage and removal of excavation material.
- ix. Measures to reduce danger to cyclists.

- x. Dust mitigation measures.
- xi. Membership of the Considerate Contractors Scheme.

The development shall be carried out in accordance with the approved construction management plan unless otherwise agreed by the local planning authority.

7) Prior to the commencement of works, a revised access plan showing the retention and protection of the street tree immediately outside of the site shall be submitted and approved in writing by the local planning authority. In the event the tree cannot be retained in its current position then its relocation/replacement will be on the basis of details to be submitted and agreed with the local planning authority.

8). No development shall take place until details of the implementation, adoption, maintenance and management of the sustainable drainage system shall have been submitted to and approved in writing by the local planning authority. Those shall include:

- i. details of the sustainable drainage system and a timetable for its implementation; and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The sustainable drainage system shall be implemented and thereafter managed and maintained in accordance with the approved details.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no balustrades or other means of enclosure shall be erected on flat roof areas. No part of the flat roofing shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

END OF SCHEDULE