



Appeal Decision

Site visit made on 16 December 2019

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/Q5300/W/19/3236421

12 + 13 Edington Road, Enfield EN3 7JS

- 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 P Singh against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00089/FUL, dated 10 January 2019, was refused by notice dated 22 March 2019.
 - The development is proposed three bedroom house, alterations to No 13 and extension to existing crossover.
-

Decision

1. The appeal is allowed and planning permission is granted for proposed three bedroom house, alteration to No 13 and extension to existing crossover at 12 and 13 Edington Road, Enfield EN3 7JS, in accordance with the terms of the application, Ref: 19/00089/FUL, dated 10 January 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposal makes adequate provision for off-street car parking, having particular regard to the effect on highway safety.

Reasons

3. Edington Road is a short cul-de-sac with a narrow carriageway which would not allow for two-way traffic movements. Much of the road has parking restrictions however, there are a limited number of on-street parking spaces on the same side of the road as the appeal site. Despite the presence of these spaces, due to the width of the road, their demarcation relies on the use of the footpath to safely park cars and enable traffic to utilise the road.
4. The proposal would provide a new dwelling through a two-storey side extension to No 13. It would also increase the width of an existing dropped kerb to provide parking areas for both the new dwelling and No 13. Based on the evidence before me, these dedicated areas would not be deep enough to enable a car to park in a conventional manner to the front of the houses. However, the proposed layout plan indicates cars parking diagonally on the areas provided. Therefore, despite the restricted depth of the parking areas, adequate space would be provided to the front of both the existing and proposed dwellings and I am satisfied that the arrangement proposed would not result in cars overhanging the footpath.

5. The appeal has been accompanied by a parking survey which demonstrates that in Edington Road, parking stress is high. However, it also suggests that an element of capacity does exist in the surrounding road network. Therefore, although the evidence makes it quite clear that the situation outside the appeal site is particularly acute, spaces do exist within walking distance of the appeal site. Consequently, I am satisfied that any additional demand created by the proposal could be adequately sustained by the surrounding road network.
6. Paragraph 109 of the National Planning Policy Framework (the Framework) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. For the reasons identified above, I am satisfied that the proposed parking spaces are adequate for the development proposed. Moreover, capacity for additional parking spaces has been identified close to the appeal site. Nevertheless, regardless of these findings, even if the parking spaces were not of an acceptable depth and would be unusable, I have no compelling evidence before me that additional cars parking on the highway would cause an unacceptable impact on highway safety.
7. Consequently, for the reasons identified above, and having regard to the effect on highway safety, I conclude that the proposal would make adequate provision for off-street car parking. Accordingly, it would comply with Core Policy 24 of the Enfield Core Strategy (2010), Policies DMD46, DMD47 and DMD48 of Enfield's Development Management Document (2014) (DMD) and Policy 6.3 of the London Plan (2016). Taken together, these establish the requirements for convenient and functional off-street car parking which has no adverse impact on highway safety, as well as to ensure that developments provide for safe and legal delivery, collection, construction and servicing.

Conditions

8. Due to my findings set out above, conditions are necessary in the interests of clarity and precision to establish the time limit for commencing development as well to list the approved drawing numbers. Condition 3 is also necessary to control the materials proposed due to the nature of the proposal as an extension to an existing building. However, I have reduced the amount of detail required by the Council's suggested condition to make it less onerous on the developer.
9. In the interests of promoting travel by means other than the car, a condition is necessary to secure suitable cycle parking spaces. In addition, to minimise flood risk, a condition is necessary to agree the details of a suitable drainage scheme. To ensure suitable refuse provision, a condition is necessary for adequate refuse and recycling storage facilities to be agreed with the Council. Finally, due to the narrow width of the existing road, a condition requiring the agreement of a construction management plan is necessary. Where conditions require work to be agreed prior to the commencement of development, the appellant has agreed in writing.
10. The Council also suggested conditions in relation to carbon reduction and water usage. However, no substantive evidence has been provided to support such a condition and therefore, I cannot be sure that it passes the tests of the Framework. Accordingly, I have not imposed it. I am also not satisfied that the nature of the development and the site make the imposition of a landscaping condition necessary. I have also not imposed a suggested condition requiring

the development to comply with Requirements M4(2) of the Building Regulations. This is because no specific evidence has been provided to justify duplicating the legislative requirements.

11. Finally, based on the evidence before me, the clear justification to remove permitted development rights required by the Framework does not exist.

Conclusion

12. For the reasons identified above, the appeal should be allowed and planning permission should be granted.

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, 2780/5B, 2780/6, 2780/7, 2780/8, and 2780/9.
- 3) Details and samples of all facing materials shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing on site. The development shall be implemented strictly in accordance with the details so approved.
- 4) No occupation shall take place until details of the siting, number and design of a minimum of secure and covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is occupied, and the facilities retained for the life of the permission.
- 5) No development below ground level shall take place until details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 100 year storm event allowing for climate change. The drainage system shall be installed / operational prior to first occupation and a continuing management and maintenance plan put in place to ensure its continued function over the lifetime of the development. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.
- 6) No occupation shall take place until details of refuse and recycling storage facilities to be provided within the development have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.
- 7) 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:
 - a. A photographic condition survey of the public roads, footways and verges leading to the site.
 - b. Details of construction access and associated traffic management.
 - c. Arrangements for the loading, unloading and turning of delivery, construction and service vehicles.
 - d. Arrangements for the parking of contractors' vehicles.
 - e. Arrangements for the storage of materials.

- f. Hours of work.
- g. Measures to reduce danger to cyclists.
- h. Dust mitigation measures.
- i. Membership of the Considerate Contractors Scheme

The development shall be carried out in accordance with the approved construction management plan.