



Appeal Decision

Site visit made on 23 December 2019

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/Q5300/D/19/3240023
107 Derwent Road, London N13 4QA

- 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 Dia Azzawi against the decision of the London Borough of Enfield.
 - The application Ref 19/02537/HOU, dated 17 July 2019, was refused by notice dated 30 September 2019.
 - The development proposed is a forecourt hard standing.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The works have already been undertaken. There are some discrepancies in the drawings, which do not fully reflect what has been built. The porch steps, the line of the grey bricks adjacent to the house, and the width of the forecourt in relation to the flank wall of the house are all inaccurate. The drawings also do not reflect the actual use of red block paving and instead do not confirm the colour of the paving proposed. I have determined the appeal based on the details that were before the Council when it determined the appealed planning application, including drawings Refs Location Plan, DER-PL.01, DER-PL.02 and DER-PL.03, rather than what has been built.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the area, in particular the Lakes Estate Conservation Area; and
 - Drainage and surface water run-off.

Reasons

Character and appearance

4. Although the submitted evidence is partly contradictory, the Officer's Report and The Lakes Estate Conservation Area Character Appraisal 2014 (LECACA) Map 4: Building Survival both suggest that the front garden was previously predominantly soft landscaping. The appeal property also has an existing dropped kerb access.

5. Derwent Road is a residential street. A significant proportion of the properties have dropped kerb access to a hardstanding front garden, mostly used for parking and all constructed of a grey or other muted paving materials. There are few retained front garden walls, and greenery and other soft landscaping is intermittent. However, those that do exist provide important variety and help to soften and add character to the street scene. The soft landscaped gardens provide an important contribution to the significance of this part of the Conservation Area.
6. It is proposed to mostly hard landscape the garden with block paving, to be used for car parking, with two relatively small areas of soft landscaping. This would harm the appearance of the garden and this part of the Conservation Area by the introduction of a predominantly hardstanding garden, eroding the character of the street scene. I am aware that there are a number of existing hardstanding front gardens along Derwent Road, but the information before me indicates that those along this part of the road pre-date the adoption of the LECACA in 2010. The LECACA provides strong policy protection for front gardens from further loss of character by the provision of hardstanding car parking. It in fact encourages re-planting and greening of front gardens.
7. The development would therefore harm the character and appearance of this part of Derwent Road and the Lakes Estate Conservation Area, failing to comply with the relevant parts of Policies DMD8 (General Standards for New Residential Development), DMD37 (Achieving High Quality and Design-led Development) and DMD44 (Conserving and Enhancing Heritage Assets) of the Development Management Document 2014 (DMD), Policies CP30 (Maintaining and Improving the Quality of the Built and Open Environment) and CP31 (Built and Landscape Heritage) of the Core Strategy 2010 (CS), Policies 7.4 (Local Character) and 7.8 (Heritage assets and archaeology) of the London Plan 2016 (LP), and Paras. 2.4.55, 4.1.2 and 'Management Proposals' of the LECACA.
8. The harm identified above is less than substantial. There would be limited public benefits from the proposal, although I acknowledge that by allowing off-street parking it could be easier, in theory, for the owner of the property to charge an electric vehicle. Nonetheless, the public benefits do not outweigh the harm identified and the proposal fails to comply with Para 196 of the National Planning Policy Framework, given the importance afforded by the statute and planning policy to the preservation of conservation areas.

Drainage

9. The drawings indicate a steeper slope towards the pavement rather than towards the shrub area to the north east corner. It is stated that the paving blocks are laid on sharp sand and then hardcore, but no technical information has been provided regarding the degree to which this permeability will mitigate surface water run-off and aid drainage. There are no drains on the site, as opposed to other properties in the area such as the adjacent driveway which appears to have a drain running along the boundary with the pavement. This, combined with the steeper slope towards the highway, is likely to lead to surface water run-off onto the highway and could increase the risk of flooding elsewhere.
10. I have considered whether a condition could be used to control the detail of this and perhaps require additional drainage facilities to be provided. However, it is not clear that any such works could overcome the fundamental concern of the

steepest part of the slope being towards the pavement, rather than towards the planting area.

11. It has therefore not been adequately demonstrated that the works will drain water away from the public highway or adequately use green planting to prevent and mitigate surface water run-off, and they may therefore cause an unacceptable increase in the risk of flooding elsewhere, failing to comply with the relevant parts of Policies DMD59 (Avoiding and Reducing Flood Risk) and DMD61 (Managing Surface Water) of the DMD and Policy CP21 (Delivering Sustainable Water Supply, Drainage and Sewerage Infrastructure) of the CS.

Other Matters

12. There is an existing dropped kerb which has not been altered as part of the works. The Council advise that further evidence is provided of the detail of this and the adjacent footway in case they need to be strengthened. This could be controlled by condition if the works were otherwise acceptable.

Conclusion

13. I conclude that the appeal should be dismissed.

O S Woodward

Inspector