
Appeal Decision

Site visit made on 11 August 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/Q5300/W/20/3248488
No. 3 and 4 Walmar Close, Enfield EN4 0LA

- 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 Roce Developments Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03885/FUL, dated 11 November 2019, was refused by notice dated 12 February 2020.
 - The development proposed is demolish the existing family dwellings and construct 6 flats (3 bed) within two link detached buildings with underground car parking and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area;
 - the suitability of the proposed arrangements for surface water; and
 - whether the proposed development would provide adequate usable parking provision.

Reasons

Character and appearance

3. The appeal site is on Walmar Close, located off Beech Hill in Hadley Wood. Walmar Close is a quiet private road with 7 low-density large detached dwellings that are accessed through secure electronic gates. The close is largely concealed from Beech Hill and the public realm with views only possible through the gates. The dwellings have a relatively consistent siting and built form. The site contains the properties Nos 3 and 4 Walmar Close, which are, 2 large 2-storey detached dwellings. The site has a north-south orientation and a natural slope from northwest to southeast. The trees on the site are protected by a Tree Preservation Order.
4. The proposal would demolish the 2 existing dwellings and replace them with 2 link detached properties made up of 6 units, along with underground car parking.

5. In terms of the design and appearance of the proposal, the proposed massing and scale would be read as two distinct buildings in the street scene. The Council has stated that the principle of the appearance of the proposed buildings would be acceptable, and I see no reason not to agree with the Council's assessment in this respect.
6. Policy DMD 5 of the Enfield Development Management Document (2014) (DMD) states that development involving the conversion of existing units into self-contained flats and houses of multiple occupation (HMO) will only be permitted if it meets the listed criteria. Criterion B states that development must not harm the residential character of the area or result in an excessive number or clustering of conversions. Specifically, the number of conversions: must not exceed 20% of all properties along any road; and only 1 out of a consecutive row of 5 units may be converted.
7. Although Policy DMD 5 is written to address the conversion of existing units, the impacts it is therefore seeking to manage are equally relevant to the proposal before me notwithstanding the nature of demolition and replacement. Accordingly, the policy in my judgement is material to the determination of this appeal.
8. The proposal would result in 2 properties containing flats, which would make the percentage of properties that are flats being approximately 28.5%, well above the 20% threshold contained in Policy DMD5. Furthermore, as the flatted developments would be adjacent to each other, the proposal would mean that more than one out of a consecutive row of five units would be converted into flats. In both respects the proposal would therefore not comply with Policy DMD 5.
9. I acknowledge that the current proposal is 50% less than the previously dismissed appeal scheme which had 12 units. Nevertheless, the impact of 6 x 3-bedroom flats remains a substantive quantum of development for the street to absorb given the number of existing properties on the road without harm to the character. Although each unit may not be occupied to the maximum, it is still a scenario that could exist, the proposal Six flats would still result in a considerable increase in the number of occupants living on the site.
10. The Council has suggested that the quantity of future occupants could be around 40 people as 2 of the flats could be converted to provide a fourth bedroom with ease via the conversion of the gym / sauna (ground floor level). However, the appellant has directed me to an appeal¹ whereby the Inspector determined that where there is no firm evidence that the appellant intends subsequently reconfigure the houses to increase the number of bedrooms, it would not be reasonable to withhold permission on the presumption that such a change will occur at some time in the future.
11. There is no substantive evidence before me, that what the Council asserts would in fact occur. In any case the proposal as submitted would still significantly increase the number of people residing in the street.
12. The increase in people residing on the appeal site would represent a significant uplift in comings and goings compared to that which would reasonably arise from the 2 existing family dwellings on the site. Irrespective of the acceptability

¹ APP/L5810/A/12/2188686

of the design of the proposed development, the proposal would result in a considerable step change to how the site and Walmar Close functions. It would no longer have a character as a quiet suburban residential street, with a handful of large detached properties. The character of the area is not just about how a place looks, but also how it feels and functions.

13. The provision of 6 flats on the site would represent an overdevelopment and intensification of the site. This would be in direct contrast to the existing pattern of development thereby detracting from the character of Walmar Close. The proposal would contribute to a different mix of dwellings in the area, some of which would meet the greatest requirements in the area. However, this factor would not overcome the harm to the character of the area.
14. The appellant has provided examples of other developments of a similar nature in the local area. Whilst extracts from the reports and site photos have been provided, I do not have full details of the schemes before me. Therefore, I am unable to determine if they are directly comparable or what made them acceptable. In any case, each proposal must be determined on its own planning merits and within its own context, which is what I have done in this case.
15. Accordingly, although there are no concerns regarding appearance, I find that the proposed development would harm the character of the area. Therefore, it would be contrary to Policy 3.4 of the London Plan (2016) (LP), Policy CP5 of the Enfield Core Strategy (2010) (CS) and Policies DMD5, DMD6 and DMD8 of the DMD. These policies, among other things, require development to take account the context and pattern of the surrounding area, so that it does not harm the residential character of the area or result in an excessive number of clustering of flatted developments.

Surface water

16. Policy DMD 61 states that a drainage strategy will be required for all developments to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the LP. All developments must maximise the use of and where possible, retrofit Sustainable Drainage Systems (SuDS). Policies CP21 and CP28 of the CS confirm that SuDS will be incorporated within new developments, to manage surface water runoff. LP Policy 5.13 is consistent with this approach.
17. The appellant has submitted and provided a foul and surface water drainage strategy dated September 2018 (Ref 17-3541 Rev B). However, inside it is dated 8 November 2019. Whilst I note the report considered the construction of 6 apartments contained within 2 blocks and works for a basement car park, the plans within the document are dated September 2019, compared with the plans submitted with the application which were November 2019, therefore, it has not considered the latest iteration of the proposal.
18. The Sustainability Drainage Officer has objected to the proposal and states that a Groundwater Flood Risk Assessment has not been submitted as part of the feasibility of the basement level. The basement level is substantial, and has the potential to impede groundwater flows, thus potentially making groundwater flooding worse for neighbouring developments and infrastructure.
19. Policy DMD 60 of the DMD states under part 2) of the policy "Additional requirements for non-fluvial flooding are required where developments are

proposed in areas identified as being at risk of groundwater flooding, consideration should be given to prevention or mitigation measures. In addition, I note that no site investigation or soakaway testing has been undertaken for the site. Even if I accepted the appellant's point that they cannot be undertaken until the site is cleared, no clear ownership, management and maintenance arrangements have been established.

20. Three pre-commencement conditions have been suggested by the appellant for dealing with the sustainable drainage. The appellant has also suggested that there is a similar approved development² within a short distance where SuDS reports were secured by a planning condition. However, I have not been provided with full details as to why the condition was acceptable for that development. As the appeal proposal is reliant upon the provision of underground car parking within a substantive basement in proximity to neighbouring development; this is a matter to be determined at the application stage. Use of planning conditions would not be appropriate in this case as it relates to the principle of the acceptability of the proposal.
21. As such, the suitability of arrangements for the disposal of surface water from the site as not been demonstrated. Therefore, the proposal would be contrary to Policy 5.13 of the LP; Policy CP21 and CP28 of the CS and Policies DMD60 and DMD61 of the DMD. These policies jointly seek a drainage strategy to be submitted for all development which should utilise SuDS unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy in the LP.

Provision of parking

22. The proposal would provide 12 parking spaces, of which 2 would be disabled, at basement level and 2 parking spaces at ground floor, for visitor parking. The quantum of parking would provide 2 parking spaces per flat. The LP parking addendum states 2 spaces in low PTAL levels is the maximum parking permitted for new development. Therefore, in quantum it would accord with this parking standard.
23. The basement parking would be accessed a pair of car lifts. Part 3 of the Policy DMD 45 states that vehicle turn-tables and car stackers will not generally be permitted. I note that the Highway Authority and the Council view car lifts and car stackers as being interchangeable terms. The Transport Officer has objected to the use of car lifts on account of the likelihood and consequences of mechanical failure. Car lifts require significant maintenance and management and the Council has raised concerns around the maintenance required for 6 flats and the associated cars of the occupiers. The Council has stated that there are some instances where car lifts have been permitted, however, this has generally been on sites where it has been the last resort.
24. The proposed use of car lifts introduces potential for mechanical failure, and they may not be seen as a suitable method of access by occupiers of all ages. I am not satisfied other options to access the basement parking via more appropriate and suitable means with reduced operational impacts and future proofing have been explored. Although management fees can address

² 17/04634/FUL

maintenance cost, the method of access would not be likely to encourage a wider demographic to occupy the properties.

25. I note the appellant suggests that the access would be a Man-on-Board drive through Car Platform Lift, not car storage lift nor car stackers and that there would be 2 lifts. However, this would not change the need for sufficient maintenance and breakdown coverage.
26. The appellant has put forward a condition relating to a maintenance standard/schedule. However, the documents do not actually include any evidence as to what the proposed maintenance schedule would be, or examples of where this has been successfully implemented elsewhere. I share the concerns of the Council regarding the ability to enforce such a planning condition, especially for the lifetime of the development when the car lifts get older and are more likely to suffer mechanical failure. The site is not fundamentally constrained; therefore, other more future proof and practical methods of on-site parking and access would be not only policy compliant but remove the need for complex management agreements.
27. Consequently, the proposal fails to demonstrate usable parking provision. As such, this would conflict with Policy 6.13 of the LP and Policy DMD 45 of the DMD. These policies, amongst other things, require development to provide adequate parking design and state that vehicle turn-tables and car stackers will not generally be permitted.

Other Matters

28. I acknowledge that the proposal would contribute to the Borough and London wide housing targets and that the proposal would not have detrimental impact on the living conditions of the neighbouring occupiers in terms of outlook and impact on aspects such as daylight/sunlight and that it would provide suitable accommodation for future occupiers. However, these factors would not overcome the harm that I have identified above. In any case, the absence of harm is a neutral consideration in the determination of the proposal.
29. The appellant has also suggested that there is high demand for sizeable apartments in Hadley Wood, especially by elderly residents who might wish to downsize which would increase the availability of large detached dwelling on the open market. However, there is no substantive evidence before me to support this claim.
30. I note there were a number of other concerns raised by interested parties including traffic and highway issues, public transport, pollution ecology, quantum of open space, noise, community facilities, privacy, affordable housing, restrictive covenants. However, as I have already identified harm above, it is not necessary for me to explore these in detail as part of this appeal.

Conclusion

31. For the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR