
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: 24th September 2020

Appeal Ref: APP/Q5300/W/20/3251792

1A Osborne Road, Enfield EN3 7RN

- 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 Danny Page against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03527/FUL, dated 10 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is the erection of a detached 2 bedroom chalet bungalow to the rear of 1a/1b & 3 Osborne Road.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area;
 - The effect of the proposed development on the living conditions of the neighbouring occupiers, with particular reference to outlook;
 - Whether the proposal would achieve a 35% reduction in CO2 emissions over Part L of the Building Regulations; and
 - The effect of the proposed development on highway safety, with particular regard to the provision of pedestrian access and whether the proposal would make adequate provision for waste servicing arrangements.

Reasons

Character and appearance

3. The appeal site is located to the rear of Nos 1a/ 1b and No 3 Osborne Road. The site is currently used as a storage yard and is laid to hardstanding with a variety of building materials and tools stored on it. Adjacent to the site are the gardens of the adjacent properties, a garage and beyond that a recreational field.
4. The site is accessed from Osborne Road via a track between 1a/ 1b and the rear of the properties along the adjacent Brimsdown Avenue. The surrounding area is predominately residential, characterised by semi-detached and terraced

dwellings which front onto the road and have relatively long rear gardens. A number of the surrounding properties have various outbuildings in their respective gardens. The properties which border the access track have a row of outbuildings in their rear gardens, and are of varying size and shape, but are predominately single storey.

5. The proposal would be a detached two-storey dwelling with a pitched roof. The dwelling would be oriented to front onto the access track. The first floor would include roof dormers which would face towards the rear of the nearby properties on Osborne Road. There would be a blank wall on the south elevation which would face towards the rear of Nos 1a/1b and No 3.
6. The prevailing pattern of nearby development in the area is for semi-detached and terraced development which front onto the road and have relatively long gardens. The proposal would be situated within a comparatively small and cramped plot and would be orientated at right angles to the road and the main pattern of development. The proposal would also not be attached to its neighbours like the nearby properties and the roof slopes would have differing pitch angles, contrary to the design of surrounding dwellings. Therefore, the proposal would be in contrast to the nearby properties and the pre-dominant pattern of development and would fail to appear subservient. Taking the above into account it would appear as an incongruous feature, at odds with the surrounding properties and context.
7. I acknowledge that the appellant has sought to design a proposal that would be similar to the nearby outbuildings, and that the appellant considers it would be a visual improvement to the site. However, the nearby outbuildings are clearly subsidiary in both scale and function to the adjacent properties and their presence does not justify the proposal nor does the proposed improvement to the visual aspects of the site, which could be altered without the introduction of a dwelling.
8. The appellant has also highlighted some recent planning permissions which are different to the surrounding patterns of development. However, I do not have full details of the schemes before me to determine if they are directly comparable. In any case, each proposal must be determined on its own planning merits and within its own context.
9. The proposed development would harm the character and appearance of the site and surrounding area. Therefore, it would be contrary to Policy 3.5 of the London Plan (LP) (2016), Policy CP30 of the Core Strategy (CS) (2010), Policies DMD6, DMD7, DMD8 and DMD37 of the Development Management Document (DMD) (2014) and Paragraph 127 of the Framework. These seek, amongst other things, that development is of a high quality, has regard to the form, function and structure of an area, is appropriate to and pays special regard to its context and the existing pattern of development.
10. The Council's reason for refusal also cited Policy 3.8 Housing Choice of the LP. However, as this Policy is in regard to housing requirements, it is not relevant to the character and appearance of the proposal.

Living Conditions

11. The proposed new dwelling would result in a two-storey blank wall in close proximity to the boundaries of Nos 1a/1b and No 3. I acknowledge that the

existing use on the site is not green or picturesque and there is high fencing. Nevertheless, the proposal would interrupt and significantly alter the existing views and outlook currently experienced by the neighbouring occupiers, particularly from their rear windows and when in the outdoor garden areas. The proposed dwelling would introduce a relatively large blank brick wall in close proximity to the rear of neighbouring properties, thus significantly reducing the outlook from the neighbouring occupiers' windows and creating a sense of enclosure. Consequently, the proposal would have a harmful effect on neighbouring occupiers outlook.

12. The appellant has suggested that due to the asymmetrical roof, rear dormers, and the distance to the nearby properties, that the amenities and outlook of the nearby properties would not be harmed, and that the impact could be lessened through landscaping. I appreciate that the appellant has sought to design the proposal in line with nearby buildings, however, it would still significantly alter the existing outlook currently experienced by the occupiers, and landscaping cannot be considered a permanent feature, or as a way to ostracize harm.
13. Consequently, the proposed development would harm the living conditions of the occupiers of the neighbouring properties, with particular reference to outlook. Therefore, it would be contrary to Policies 7.1 and 7.4 of the London Plan (2016), Policy CP30 of the Enfield Core Strategy (2010) and Policy DMD8 of the Enfield Development Management Document (2014). These Policies amongst other things, require development to preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance.

Reduction in CO2 emissions

14. As part of the appeal the appellant provided an energy statement¹ that demonstrates that the proposed dwelling would achieve the required carbon dioxide target through a combination of high-performance building fabric, energy efficient gas boilers and a solar photovoltaic array. The passive measures and solar panels are not indicated on any submitted. However, this could be dealt with by an appropriately worded condition were I minded to allow the appeal.
15. Accordingly, the proposed development would achieve a 35% reduction in CO2 emissions over Part L of the Building Regulations. Therefore, it would accord with Policies 5.2 and 5.7 of the LP, Policy CP20 of the CS and Policy DMD49 and DMD51 of the DMD. The policies, amongst other things, require development to demonstrate how the proposal minimises energy-related CO2 emissions.

Highway safety and waste

16. The pedestrian access for the proposed property would be from Osborne Road and there is no existing footpath, and no footpath is proposed on the submitted plans. The Council states that the proposal would require a 2m wide surfaced footpath to ensure safe foot passage from the road to the development.
17. The proposal would be some distance from the main road and would have to travel along a relatively narrow track. Whilst vehicles would be able to pass by most pedestrians those with pushchairs, wheelchairs or small children, would be in close proximity to passing vehicles if 2 vehicles were trying to pass each

¹ ENERGY STATEMENT - Proposed House to the Rear of 1A Osborne Road Enfield London – Stroma (2020)

other, and without a designated walkway, pedestrians would not have a clear route to follow. In addition, in the evenings the track is likely to be dark which would cause an issue for pedestrian visibility, particularly with vehicles which may be coming and going from the nearby outbuildings.

18. The Council also makes reference to Manual for Streets, which states that bins must be stored within 25m of the street to maintain reasonable accessibility to refuse vehicles. The appellant has suggested that the bins could be placed along the side of the track to the dwelling within the standard 25m of the junction with Osborne Road. However, this would create a further obstruction along the track, and this would still be a considerable distance to move particularly when the bin would be full and heavy and for those who are less able bodied. Consequently, I am not persuaded that this would be an acceptable solution and I consider that there would not be adequate waste servicing arrangements for the proposal.
19. The proposal would have a detrimental effect on highway safety with particular regard to the provision of access and would not make adequate provision for waste servicing arrangements. Therefore, it would be contrary with Policy 6.10 of the LP, Policy CP25 of the CS and DMD47 of the DMD. These Policies, amongst other things seek development to make provision for attractive, safe, clearly defined and convenient routes and accesses for pedestrians, including those with disabilities.

Other Matters

20. I note that the appellant has highlighted the site's sustainability credentials in terms of access to services and public transport. The proposal would also make a contribution, albeit limited, to the housing supply. However, these factors would not overcome the harm that I have identified above.
21. I note that an interested party has raised issues around the accuracy of the submitted plans and the frontage and garden boundaries boundary of the nearby property, parking provision and access, as well as the possibility of noise and disturbance from the adjacent garage. However, as I have already identified harm above, it is not necessary to consider these further.

Conclusion

22. Whilst I have found that the proposal would be acceptable in terms of the reduction of CO2 emissions, it would harm the character and appearance of the site and surrounding area, the living conditions of the neighbouring occupiers and highway safety and would not make adequate provision for waste servicing arrangements. The harm which I have identified would outweigh the benefits. Therefore, for the reasons set out above, I conclude that the appeal is dismissed.

D Peppitt

INSPECTOR