
Appeal Decision

Site visit made on 4 September 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 28th September 2020

Appeal Ref: APP/Q5300/W/20/3251929
25 The Limes Avenue, Southgate N11 1RD

- 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 Andy Tomaso against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00740/FUL, dated 28 February 2020, was refused by notice dated 27 April 2020.
 - The development proposed is described as, 'demolition of exg garage and erection of new detached house'.
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Decision

1. The appeal is dismissed.

Main Issues

2. While I note the reasons for refusal, from the wider evidence the main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard for private amenity space, outlook and privacy;
 - whether the proposal would make adequate provision for car and cycle parking; and
 - whether the proposed development would provide adequate provision for sustainable drainage.

Reasons

Character and appearance

3. The site lies to the rear of No 25 The Limes Avenue (No 25) which is an end of terrace property that lies on the junction of The Limes Avenue and Cross Road. The area is characterised by a variety of dwellings that are generally set in generous plots such that the area has a pleasant spacious character and appearance.
4. The proposal would consist of the demolition of the existing garage at the rear of the garden of No 25, and the erection of a dwelling. The existing rear garden

would be partitioned such that the proposed dwelling and associated private amenity space would be sited at the end of the garden and would be accessed from Cross Road.

5. I acknowledge that given the height and flat roof of the proposed dwelling would appear to be partly hidden behind a rebuilt fence as well as the proposed materials and green roof. I also note that the design of the building has sought to respond to the form of the existing garage. However, since the building would have a larger footprint than the existing garage and would occupy the majority of the proposed site, it would appear overly large for the plot, contrary to the prevailing pattern of development. The scheme would therefore have a detrimental effect on the spacious character and appearance of the area.
6. In addition, while I acknowledge that the total size of the private amenity space may accord with development plan policies, the proposal would introduce a much smaller garden, with an irregular shape that would appear cramped and out of place relative to its surroundings. Although the resultant rear garden would not be visible from the street scene, it would be apparent from the rear elevations of neighbouring properties and therefore, would harm the character and appearance of the area.
7. I note the evidence relating to No 1a Lombard Road and development at Land at the rear of 46 The Limes Avenue. From the evidence before me, those dwellings have different forms and relationships to the street compared with the appeal scheme. As such, they are not directly comparable with this appeal scheme. In any event each case must be determined on its individual merits.
8. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policy Core Policy 30 of The Enfield Plan Core Strategy 2010-2025 Adopted November 2010 (CS) which requires all developments to have special regard to their context. It would also conflict with Policies 3.4, 7.4 and 7.6 of The London Plan The Spatial Development Strategy For London Consolidated With Alterations Since 2011 March 2016 (LP) which together, among other things, require developments to take into account local context and local architectural character, have regard to the pattern and grain of the existing spaces and streets.
9. Furthermore, the scheme would conflict with Policies DMD 6, DMD 7, DMD 8 and DMD 37 of the Development Management Document Adopted November 2014 (DMD) which together seek, among other things, the scale and form of development to be appropriate to its context and the existing pattern of development and permits development on garden land if the development does not harm the character of the area. It would also conflict with the National Planning Policy Framework (Framework) in this particular respect.

Living environment

10. The proposed private amenity space would meet the space requirements set out in DMD Policy DMD 9. However, the space would be an irregular shape and have a limited width that would narrow at the corner. Given that the dwelling could be occupied by up to four people, the space would feel congested and impractical, thereby resulting in an inadequate private amenity space that would not meet the needs of future occupiers.

11. Furthermore, the private amenity space would be bound on most sides by high fencing. While I note the evidence regarding living walls and planting, given the limited width of the spaces, these areas would feel oppressive both from within the private amenity space and from within the living area. As such, the proposal would result in an inadequate outlook for future occupiers.
12. Turning my attention to privacy, there is a rear first floor window of the host building and the first-floor windows to the rear outrigger of the adjacent building, which would look towards the private amenity space and side windows of the proposal. However, the proposal includes a high and partially angled fence that would largely mitigate any potential overlooking from the neighbouring properties.
13. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard for private amenity space and outlook. Therefore, it would conflict with DMD Policies DMD7, DMD8 and DMD 9 which among other things seek development that would not adversely impact on the residential amenity within the development and would provide high quality amenity space. It would also conflict with LP Policy 3.5 which requires, among other things, that the design of all new dwellings take into account the home as a place of retreat. In addition, the proposal would conflict with the aims of the Housing Supplementary Planning Guidance March 2016 (SPG) which seeks, among other things, that private amenity space should be of a practical shape and utility. Furthermore, the scheme would conflict with the Framework in this particular respect.
14. While I have had regard to DMD Policy DMD 10, given the harm identified above, it has not been determinative for the outcome of this appeal.

Car and cycle parking

15. The proposal would provide one off-street car parking space and would be accessed via an existing crossover on Cross Road. The proposed building would extend to the back of the pavement, and the fence both along the boundary of the site along Cross Road and the existing tall fence to the north of the site would also be sited close to the back of the pavement. Therefore, views of oncoming vehicles and pedestrians in both directions would be restricted such that the proposal would result in an increased risk of collision and an unacceptable impact on highway safety. As such, the provision of car parking would be inadequate.
16. While I acknowledge that the proposal would utilise an existing crossover, this would not mitigate or override the harm identified above.
17. The proposed drawings do not indicate that the cycle parking spaces would secure and accessible. While the appellant considers that this matter could be dealt with by a condition, given the limited space available in the area around the parking space which includes the provision of refuse bins, I am not persuaded that a condition would be effective.
18. Consequently, the proposed development would not provide adequate provision for car and cycle parking. Therefore, it would conflict with LP Policy 6.9 which seeks to provide secure, integrated, convenient and accessible cycle parking facilities. It would also conflict with DMD Policy DMD 45 which requires among other things, that parking layouts provide adequate sight lines.

19. While I have had regard to CS Policy Core Policy 25 and LP Policy 6.13, given my findings above, these have not been determinative for the outcome of the appeal.

Sustainable drainage

20. From the evidence before me, the planning application documents and appeal submission did not include any substantial information relating to surface drainage on the site. DMD 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 London Plan.
21. While the appellant has suggested that this matter could be dealt with by a condition requiring the submission of a Sustainable Drainage System scheme, there is limited relevant information before me to demonstrate that such a condition would be effective.
22. Consequently, there has not been a demonstration that the proposed development would provide adequate provision for sustainable drainage. Therefore, it would conflict with LP Policies 5.12 and 5.13 and DMD Policy 61 which together aim to manage flood risk and surface water run-off. It would also conflict with the aims of CS Core Policy 21 which relates to delivering sustainable water supply and drainage among other things. In addition, the proposal would conflict with the aims of the Framework in this respect.

Other Matters

23. I note the wider evidence including that relating to energy efficiency. However, given the harms identified above, these have not altered my overall decision.

Conclusion

24. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR