



Appeal Decision

Site visit made on 8 October 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2020

Appeal Ref: APP/Q5300/W/20/3253532
62 Carpenter Gardens, Southgate N21 3HG

- 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 B Lennon of M Lennon and Co Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02736/FUL, dated 30 July 2019, was refused by notice dated 3 April 2020.
 - The development proposed is redevelopment of site to provide 9 x single family dwellings (3 x 2-bed houses on Cedars Road, 5 x 4-bed houses and 1 x 5-bed house on Carpenter Gardens), with associated private gardens, landscaping, parking and pedestrian cycle path link.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For the sake of clarity and brevity I have taken the description of development from the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area; the effect of the proposal on the area with regards to drainage and flooding; whether the proposal provides an appropriate mix of housing and makes efficient use of the land; and the requirement for a Section 106 Legal Agreement for public realm improvements.

Reasons

Character and appearance

4. The surrounding area is characterised by predominantly residential properties. The built development in the area have variant styles but do have consistent traditional architectural detailing with proportionate features including fenestration. It is the prevailing traditional design elements of the built form that contributes positively to the character of the area.
5. The proposed design of the properties with larger openings, to maximise sunlight and daylight, and recessed brick panels, would provide a contemporary appearance that is at odds with the existing architectural styles in the area. The properties would not have high eaves, large roof form or disproportionate size dormers and the proposed scale of the buildings would be similar to surrounding dwellings. However, the disproportionate fenestration

patterns on the proposed properties would be prominent features that would not reflect the characteristics of existing development in the area.

6. The proposed properties, due to their design with modern detailing, would be discordant features that interrupt the rhythm of the existing built development and would not be sympathetic to the local character.
7. Accordingly, the proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would be in conflict with Policies 7.4, 7.5 and 7.6 of the London Plan (LP), Policy CP30 of the Enfield Plan Core Strategy (CS), Policies DMD6, DMD8 and DMD37 of the Enfield Development Management Document (DMD) and the National Planning Policy Framework (the Framework) which seeks development to achieve high quality design and be sympathetic to local character.
8. I have had regard to the appellants statement of case including reference to the Design and Access Statement and other new development in the locality. Insufficient information has been provided in respect of other developments in the area and I cannot be sure that they represent a direct parallel with the appeal scheme, particularly with regards to design. Nevertheless, I have determined the appeal on its own merits. I also note that pre-application discussions and a response was undertaken regarding the proposed development. This matter however does not alter my findings above.

Drainage and flooding

9. New development should be located appropriately to avoid risks of flooding with also the incorporation of effective management of surface water and drainage systems to reduce the risk of flooding in a development area.
10. Insufficient information has been submitted to determine whether the proposed development would have adequate drainage to ensure that the proposed scheme and the surrounding area would not be adversely compromised in respect of flooding or surface water run-off.
11. I note that a surface water assessment was submitted as part of a previous scheme¹. However, this assessment was for a scheme that differs from the appeal development particularly with regards to the number of units. I do not have full details of the previous scheme¹ and therefore cannot be sure that the schemes are directly comparable, especially when it comes to drainage requirements. I note that the appellant has suggested the use of planning conditions to cover drainage. However, given the importance of drainage and flooding matters I do consider that a certain level of drainage details are required prior to granting permission to ensure adequate drainage can be achieved for the development.
12. From the evidence before me, I am not satisfied that the proposal would not be harmful to the area with regards to drainage and flooding. The proposal would be in conflict with Policies 5.12 and 5.13 of the LP, Policies CP21 and CP28 of the CS, Policies DMD59, DMD60 and DMD61 of the DMD and the Framework which seeks development to manage flood risk and utilise sustainable urban drainage systems.

¹ Local Planning Authority Reference: 18/01099

Housing mix and use of land

13. There are a mix of different house types in the area including terraced and semi-detached properties. The proposal would provide a unit mix which includes 2 bed, 4 bed and 5 bed residential units. The proposal would therefore offer a balanced mix of units, that the Council confirm in their Officer report would be policy compliant.
14. The built form in the area offers varied housing densities. The proposed properties would benefit from substantial sized gardens and would have a development density that would not be out of keeping with the surrounding built environment. I am satisfied that, due to the size of the site, location and development scale, the proposal would be an efficient use of land.
15. The proposal would provide an acceptable mix of market housing and make efficient use of the land. The proposal, in relation to housing mix and use of land, would not be in direct conflict with Policies 3.3 and 3.5 of the LP, CP2, CP5 and CP30 of the CS, Policies DMD3, DMD6 and DMD37 of the DMD and the Framework which seeks new development to offer a range of housing sizes with the density of residential development proposal to balance the need to ensure the efficient use of land whilst respecting quality and character of an area.
16. I have had regard to the Council's Officer report and the Council's Design team's scheme for 16 units. However, I have assessed the proposal and the plans which were subject to the Council's planning refusal.
17. The Council's decision notice states that the proposal fails to contribute to need for affordable housing, although this matter is not detailed in the Officer's report. I note that Policy CP3 of the CS requires developments of less than 10 dwellings to provide a financial contribution to deliver off-site affordable housing. Insufficient evidence has been submitted on this matter for me to reach a conclusion on whether the proposal accords with Policy CP3.
18. Policy DMD1 of the DMD is stated in the decision notice. This Policy refers to developments of 10 units and over and therefore I do not consider it relevant in the determination of this appeal.

Section 106 Agreement

19. The proposal would incorporate a new pedestrian footpath and tree planting which would be improvements that enhance the public realm in the immediate locality.
20. Enfield Council Section 106 Supplementary Planning Document (SPD) seeks contributions towards public realm improvements which reflect the nature of the development. Contributions are usually sought for public realm improvements on large scale developments of at least 11 or more residential units.
21. Due to the scale of the proposal and the public realm improvements that would be incorporated within the development, it is not considered that a contribution towards public realm improvements are required. The proposal would not conflict with Policy 8.2 of the LP, Policies CP16, CP24 and CP46 of the CS, Policies DMD8, DMD37 and DMD46 of the DMD, the Framework and the SPD

which, amongst others things, seeks to secure public realm improvements relative to the scale of development.

Other matters

22. Several other concerns have been raised, including in relation to light and noise pollution, parking, access and highway effects, crime and anti-social behaviour, use of rooms and property valuations. I have given careful consideration to these matters, but they do not lead me to a different overall conclusion on the main issues.

Conclusions

23. I have found that the proposal would have an acceptable mix of market housing and make efficient use of the land, as well as providing public realm improvements. However, these benefits do not outweigh the harm I have identified with regards to character and appearance, drainage and the conflict with the LP, CS, DMD and the Framework.
24. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR