
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: 5th November 2020

Appeal Ref: APP/Q5300/W/20/3252188

Land between 8 and 10 Little Park Gardens, Little Park Gardens, Enfield EN2 6PQ

- 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 Chris Anam (Capricorn Freeholds Ltd) against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00405/FUL, dated 28 January 2020, was refused by notice dated 17 April 2020.
 - The development proposed is new build 4 bed 7p house with associated private amenity space, bin store and cycle store.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development would preserve or enhance the character or appearance of the Enfield Town Conservation Area;
 - the effect of the proposed development on the living conditions of the occupiers of No 10 Little Park Gardens, with particular reference to outdoor space and sunlight; and
 - whether the proposed development would be acceptable in respect of sustainable drainage.

Reasons

Conservation Area

3. The appeal site is located on the south-west corner of the intersection of Little Park Gardens and Chapel Street. The site is relatively narrow and long, forming a rectangular shape. It sits between No 8, which is a two-storey detached single-family dwelling and No 10, which is a two-storey detached building, that has been converted into residential flats, and a single-storey self-contained and independent office to the rear. The appeal site sits between 2 distinct buildings, in that they are detached dwellings with a spacious gap between them.

4. The site sits within the Enfield Town Conservation Area (CA) as such I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. The CA as a whole forms the commercial and historic focus for the local area. The appeal site is located towards the edge of the town centre character area. Much of the significance of this part of the CA, derives from its retention of the original layout and fabric of the areas built, in the late 19th and early 20th centuries.
6. The spacious gap between the adjacent buildings is in contrast to the groupings of semi-detached dwellings nearby and is a focal point for the area. The gap is a good example of the open verdant character of the CA as a whole, reflecting this historic development of the residential pockets with large imposing detached and semi-detached properties set. In this particular case the gap between the 2 adjacent properties affords views of Trinity Church, and most notably its spire, together with the rear of the Register Office, a Grade II listed building, and the greenery on Gentleman's Row. These are important in the townscape, because it is the openness and verdant character of the view, combined with the views of landmark buildings, which contribute to the significance to this part of the CA.
7. The appellant has suggested that the existing views through the site are compromised due to the vegetation and the uncomplimentary metal staircase on the registry office, as well as the views being interrupted in late afternoon and early evening in fine weather.
8. However, the addition of a new dwelling in this space would fill the currently spacious gap, and would significantly alter the openness and verdant character of the views currently experienced. The openness between No 8 and No 10 make a significant contribution to the quality of the streetscape and how the CA is experienced when walking through the area. The proposal would block off the majority of these views through the site, and would harm the verdant and spacious nature of the existing plot, with consequential impact on the wider street scene.
9. I acknowledge that the appellant has sought to create a development which is in keeping with the surrounding buildings. However, it would appear cramped, and would be out of keeping with the currently open and spacious gap that exists between the 2 adjacent properties. It would harm the character of the CA and would result in an overdeveloped and cramped site and street scene, and would fail to preserve or enhance the character or appearance of the CA as a whole.
10. The appellant has highlighted the nearby car park site which has been approved by the Council for redevelopment. However, the site specific circumstances are not directly comparable due to the context in which they sit and their positioning within the street scene. Moreover, the approved scheme is not proposed on a site identified as making a positive contribution to the CA as set out within the Enfield Town Conservation Area Character Appraisal (2006).
11. Given the significant, but localised adverse impact of the proposed development within the wider CA, I find that it would cause less than

substantial harm to the character and appearance of the CA as a whole. Any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 196 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.

12. The provision of a single dwelling would make a very limited contribution to the supply of housing in the Borough. In my judgement, the public benefits of the proposal would be minimal, and insufficient to outweigh the harm to the character or appearance of the significance of the CA, therefore, the proposal would fail to accord with national policy.
13. The proposal would fail to preserve or enhance the character or appearance of the CA. Therefore, it would be contrary to Policies 7.4, 7.6 and 7.8 of the London Plan (2016) (LP), Policies CP30 and CP31 of the Enfield Core Strategy (2010) (CS) and Policies DMD6, DMD37 and DMD44 of the Enfield Development Management Document (2014) (DMD) and Paragraph 196 of the Framework. These Policies, amongst other things, seek to protect the historic character and appearance of the local area and the CA.

Living conditions

14. The Council has suggested that the proposal, by reason of developing the garden land of No 10 Little Park Gardens, which contains live in flats converted from the villa, would further prejudice the opportunity for reasonable amenity space for existing residents of No 10 and would remove direct access and would fail to provide alternative private amenity space, and would cause overshadowing of the residue amenity space.
15. I note from the planning history and the appellant's statement, that the occupiers of No 10 do not have formal access to this area. The majority of the red line associated with the office development¹ covers a large part of the rear garden area of No 10 leaving a small area, titled 'amenity area for residential'. However, the appellant states that there is no planning or legal requirement to provide amenity space for the occupiers of No 10 and that they have never had use of the land. Therefore, the existing arrangements would not change due to this proposal and it would not be necessary to provide alternative private space.
16. However, even if in the future, circumstances would change and residents would have access to the garden area, the daylight and sunlight report², provided by the appellant, to assess the impact of the development, demonstrate that the impact on the surrounding properties and garden space at numbers 8, 10 and 12 Little Park Gardens arising from the proposed development at land between No.8 and No.10 Little Park Gardens will be within acceptable limits and that the proposed development would fully comply with BRE Guidelines. I see no reason to disagree with these findings. As such, I conclude that the proposal would not cause a significant negative impact on the amount of daylight and sunlight enjoyed by occupants of the surrounding buildings and the associated outdoor space.

¹ 17/04172/FUL

² Land Between No.8 and No.10 Little Park Gardens Daylight and Sunlight Assessment January 2020 – NRG consulting

17. Based on the evidence before me, I therefore find that the proposal would not have a detrimental effect on the living conditions of the occupiers or future occupants of No 10, with particular reference to outdoor space and sunlight. Therefore, it would accord with Policy 3.5 of the LP, Policies CP4 and CP30 of the CS, and Criteria C, E and F of Policy DMD7 and Policy DMD9 of the DMD. These policies, amongst other things, require development to provide good quality private amenity space.

Sustainable drainage

18. The Council states that all minor developments must achieve as close to Greenfield runoff rates for 1 in 1 year, and 1 in 100 year (plus climate change) year events and maximise the use of sustainable drainage (SuDS). As the proposal did not include a sustainable drainage report the Council deemed that it would not be able to demonstrate measures to manage surface water.
19. The appellant has provided 2 recent examples of planning approvals³, which he considers show that this could be dealt with by condition. However, the Condition 11 for 26B Derby Road refers to an energy report rather than a sustainable drainage report and Condition 8 for Land Rear Of 48-52 Graeme Road, only refers to details of surface drainage works rather than a report. Whilst I acknowledge the small scale and nature of the proposal, there is no clear evidence before me to suggest why this proposal would not need to provide a sustainable drainage report or why the conflict with the development plan would be acceptable.
20. Accordingly, the proposal would not be acceptable in respect of sustainable drainage. Therefore, it would be contrary to Policy CP28 of the CS and Policy DMD61 of the DMD. These Policies, amongst other things, require a drainage strategy for all developments to demonstrate how proposed measures manage surface water.

Other Matters

21. The appellant has stated that no objections were received from the occupiers of the surrounding properties and neighbourhood, however, the absence of objections does not necessarily mean that there is no harm. In any case, this is a neutral consideration.
22. The appellant has set out what he considers to be benefits of the proposal: including it being in line with Council housing mix targets; that it would provide high-quality accommodation with appropriate refuse and recycling storage; it would not adversely impact the outlook or sense of enclosure for the occupiers of properties at No 8 and No 10 Little Park Gardens; it would not cause any additional disturbance or noise; and that it would be a car free development, with good access to public transport. However, the factors which do not cause harm, are not necessarily benefits, and are neutral considerations, and the factors outlined would not outweigh the harm that I have identified above.

Conclusion

23. Whilst I have found the proposal to be acceptable in terms of the effect on living conditions, and that it would provide a limited boost to the housing supply, it would fail to preserve or enhance the character or appearance of the

³ 19/01417/FUL and 19/01870/FUL

Enfield Town Conservation Area and would not be acceptable with regard to sustainable drainage. Therefore, for the reasons set out above, the appeal is dismissed.

D Peppitt

INSPECTOR