
Appeal Decision

Site visit made on 19 October 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2020

Appeal Ref: APP/Q5300/W/20/3248889
90 Camlet Way, Enfield EN4 0NX

- 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 Toorak Apartments Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01638/FUL, dated 1 May 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the redevelopment of the site involving the demolition of the existing building and the erection of 9 self-contained flats comprising (8 x 2 bed and 1 x 3 bed) within a two storey building including accommodation in roof space together with erection of front boundary wall, gates and railings, new vehicular access, associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of the site involving the demolition of the existing building and the erection of 9 self-contained flats comprising (8 x 2 bed and 1 x 3 bed) within a two storey building including accommodation in roof space together with the erection of a front boundary wall, gates and railings, new vehicular access, associated parking and landscaping at 90 Camlet Way, Enfield EN4 0NX, in accordance with the terms of application Ref 19/01638/FUL dated 1 May 2019, and subject to the conditions within the attached schedule.

Procedural matter

2. The description of development was agreed between main parties to be amended from the original description in the application form. I have used the revised version which would not cause prejudice to any party.
3. A revised site plan was submitted to the Council which made minor changes to the forecourt area to include visitor cycle parking and car charging annotation. These alterations responded to comments made by the Highway Authority. I have dealt with this appeal on the basis of the amended plan that would not materially change the substance of the proposal.

Main Issue

4. The main issue is whether the type and mix of dwellings proposed would be in accordance with the objectives of the National Planning Policy Framework (the Framework) and local housing policies.

Reasons

5. The proposal would provide nine flats within a single building with forecourt parking and amenity space to the rear. Policy CP5 of the Enfield Core Strategy 2010 (CS) relates to housing types. This seeks new development to offer a range of accommodation to meet housing need. It requires market housing to achieve a mix that provides a specific ratio of 1 and 2 bed flats (20%), 2 bed houses (15%), 3 bed houses (45%) and 4+ bed houses (20%). This therefore establishes a borough wide objective that favours a mix of dwellings with a greater proportion of 3 and 4 bed dwellings.
6. The Framework requires strategic policies to be informed by a local housing need assessment. Paragraph 61 requires the size, type and tenure of housing to be assessed and reflected in planning policies.
7. The Council's Strategic Housing Market Assessment 2015 (SHMA) is the Council's most up-to-date assessment of the borough's housing needs and supply. Paragraph 11.5.7 relates to the creation of a more balanced housing stock. It identifies that in 2015 around 30% of housing consisted of one and two bedroomed dwellings (smaller dwellings) with around 70% being 3 and 4+ beds (larger dwellings). This therefore advances that new residential development should consist of a 50:50 proportion of smaller dwellings and larger dwellings. The housing need has therefore evolved the required house type and balance since the adoption of the CS which is a significant matter.
8. The proposal would largely consist of smaller dwellings. Although inconsistent with the balance of dwelling types sought by policy CP5, this would nevertheless assist in redressing the under-provision of smaller dwellings identified by the SHMA. It would provide accommodation for occupiers looking to downsize, potentially enabling large dwellings elsewhere to become available for new occupiers. Furthermore, the Appellant's evidence indicates that there is a strong local need for two-bedroom units that exceeds the requirement for any other size of dwelling. This also includes correspondence from an estate agent suggesting that two bed flats would be well received by the market.
9. The proposed house type provision also therefore aligns with the SHMA in that there is a shortage of smaller dwellings in the borough. Furthermore, policy CP5 establishes a borough wide objective rather than seeking site specific application, would be especially difficult to deliver within many smaller sites. The proposal would contribute towards identified housing needs of the SHMA. Furthermore, given the size of the site, scale of proposal and character of the area, the proposed development would accord with the requirements of policy CP5 in offering housing types that would meet identified housing needs.
10. Accordingly, the proposal would satisfy policy 3.8 of the London Plan 2016 which seeks new housing development to offer a range of house types that take account of housing requirements. The proposal would also meet policy DMD 3 of the Enfield Development Management Document 2014 which seeks the provision of a mix of homes in line with the borough wide targets of policy CS5 of the CS. These policies are also consistent with the Framework.

Other matters

11. Camlet Way is a residential street. The area mostly consists of detached and semi-detached dwellings in spacious plots. The proposed building would be set

back from the highway. It would include projecting gables and materials that would complement the local suburban vernacular. It would be a brick structure with a hipped tiled roof and similar in height and general composition of many local examples. The scale of the proposal has been disaggregated by the use of articulation that would soften its overall appearance. Accordingly, the proposal would integrate well and make a positive contribution to the existing character and appearance of the area.

12. The impact of the proposal on existing tree cover would be limited with trees along Pagitts Grove, beyond the site area being unaffected. The protection of the trees on site could be adequately protected by a planning condition.
13. The provision of refuse storage and its arrangement is acceptable and would satisfy the Council's requirements. Details with regard to its form of enclosure can be secured through a landscaping condition.
14. The proposal includes parking for 11 vehicles with access located in the centre of the frontage. The parking provision is satisfactory given the limited access to public transport and this also satisfies the Council's requirements. Also, the highway is relatively straight and flat, and would provide acceptable visibility splays around the access. Furthermore, the position and height of the front boundary can be agreed by planning condition to prevent the obstruction of these splays. Accordingly, the proposed means of access and parking provision would satisfy highway safety considerations.
15. The proposal would stand within a spacious plot. It would be separated from the gardens of neighbouring plots by Pagitts Grove and a private driveway. Existing landscaping on the side boundaries would be strengthened by new planting and these combined would provide good screening to the sides. Furthermore, a condition could be applied to ensure that first-floor side windows would be obscurely glazed to protect the privacy of neighbouring occupiers. Consequently, the proposal would not have a substantive impact on the living conditions of neighbouring occupiers in terms of overlooking, overshadowing or outlook.
16. Representations were made to the effect that the rights of a local resident, under the Human Rights Act, would be violated if the appeal were allowed. I do not consider this argument to be well-founded. I have found that the proposed development would not harm the living conditions of local residents. Therefore, the degree of interference that would be caused would be insufficient to give rise to a violation of the qualified rights under Article 1 of the First Protocol or Article 8.

Conditions

17. I have considered the use of conditions in line with the Government's Planning Practice Guidance. The Council's suggested conditions in regard to the timeframe for commencement of development and the approved plans have been applied in accordance with the Guidance [conditions 1 and 2]. I have adapted the wording of the Council's remaining suggested conditions where necessary to comply with the Framework and for clarity. I have added a condition to require the installation of obscure glazing for the first-floor side windows. This is necessary to protect the living conditions of adjacent occupiers.

18. Conditions 9 and 11 require details prior to the commencement of development. These relate to details of tree works and construction management. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. The appellant has agreed to the imposition of these, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.
19. Furthermore, the Council has suggested that a sustainable drainage strategy should also be required at a pre-commencement stage. However, the appellant has stated that the drainage strategy submitted during the application process, is adequate and could be required to be undertaken by condition. The Strategy proposes to retain surface runoff within attenuation under the garden and discharge runoff at similar rates to those generate by a greenfield catchment. Subject to specific details this approach is acceptable. The officer report explains that some areas of the strategy are inadequate. However, there is no evidence before me of surface water flooding local to the site. Furthermore, the matters raised by the drainage team do not appear to be substantive or vital and this matter has not been raised as a main issue by the Council. I am therefore unconvinced that this matter is so fundamental as to require the proposal to be dismissed if a condition were not imposed at a pre-commencement stage. However, as the current strategy is unsatisfactory in parts I have applied a condition requiring drainage details to be provided prior to the commencement of above ground works.
20. Accordingly, I have attached the following conditions that would safeguard the character and appearance of the area [3, 7, 9 and 10], meet highway safety requirements [4], meet sustainable drainage requirements [8], would protect the living conditions of existing residents [11 and 14] and require cycle parking details to ensure it is of a suitable and practical standard [6]. Furthermore, three conditions have been applied to meet the London Plan and the Council's sustainability objectives in regard to electric charging points, energy use and water usage [5, 12 and 13].

Conclusion

21. For the above reasons, the appeal is allowed, and planning permission granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: proposed site plan 2019-P0049-0100 rev A, proposed elevations 2019-P0049-0111, proposed apartment floor plans 2019-P0049-0110, Location Plan 2019-P0049-LP, Coloured site plan 2019-P0049-C100 and Street Elevations 2019-P0049-0105.
- 3) No above ground works shall commence until details of the external finishing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
- 4) Prior to first occupation of the development, details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation.
- 5) Prior to first occupation of the development, 2 vehicle parking spaces shall be provided with a functional electrical charging point for the recharging of an electric vehicle.
- 6) Prior to first occupation of the development, details and design of the 18 required secure/covered cycle parking spaces must be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed prior to first occupation of the development and permanently retained for cycle parking.
- 7) Prior to first occupation of the development, details of refuse and recycling storage facilities in accordance with the London Borough of Enfield Waste and Recycling Storage Planning Guidance EN20/ V2, must be submitted to and approved in writing by the Local Planning Authority. The facilities shall be screened from view from the street and provided in accordance with the approved details before the development is first occupied.
- 8) No above ground works shall commence until a detailed Sustainable Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with DMD Policy SuDS Requirements: a) Shall be designed to a 1 in 1 and 1 in 100 year storm event with the allowance for climate change; b) Follow the SuDS management train and London Plan Drainage Hierarchy by providing a number of treatment phases corresponding to their pollution potential; c) Should maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value; d) The system must be designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact; e) Clear ownership, management and maintenance arrangements must be established; and f) The details submitted shall include levels, sizing, cross sections and specifications for all drainage features.

- 9) Prior to commencement of development, details demonstrating how trees to be retained will be protected during demolition and construction work shall be submitted to and approved in writing by the Local Planning Authority in writing. Such details must follow guidelines and standards set out in BS: 5837 (2012) 'Trees in relation to design, demolition and construction'. All trees on the site shall be retained and protected from damage in accordance with the approved protection details.
- 10) The planting scheme shall be carried out in accordance with the 'evergreen and gorgeous' proposed soft and hard landscaping details, dated 01/05/19 in the first planting season after completion or occupation of the development, whichever is sooner. Any planting which dies or becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.
- 11) Prior to commencement of development, a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The construction management plan shall be written in accordance with London Best Practice Guidance and contain: a. A photographic condition survey of the public roads, footways and verges leading to the site; b. Details of construction access and associated traffic management; c. Arrangements for the loading, unloading and turning of delivery, construction and service vehicles; d. Arrangements for the parking of contractors' vehicles; e. Arrangements for wheel cleaning; f. Arrangements for the storage of materials; g. Hours of work; h. The storage and removal of excavation material; and i. Measures to reduce danger to cyclists; j. Dust mitigation measures. The development shall be carried out in accordance with the approved construction management plan.
- 12) Prior to first occupation of the development, details of the internal consumption of potable water must be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day. The development shall be carried out in accordance with the details so approved and maintained as such thereafter.
- 13) Following practical completion of works a final Energy Performance Certificate must be submitted to an approved in writing by the Local Planning Authority. A Display Energy Certificate shall be also be submitted within 18 months following first occupation.
- 14) The building hereby permitted shall not be occupied until the side windows at first floor have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor, of the room in which it is installed, shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of Schedule