



Appeal Decision

Site visit made on 19 October 2020

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/11/2020

Appeal Ref: APP/Q5300/W/20/3248430

10 Cedar Avenue, Enfield EN3 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Pantelli, Motorway Developments Europe Limited against the decision of the London Borough of Enfield Council.
 - The application Ref 19/00988/OUT, dated 12 March 2019, was refused by notice dated 17 January 2020.
 - The development proposed is demolition of existing dwelling and garages and construction of a four storey residential building with underground parking to provide eight (8) one-bedroom flats, six (6) two-bedroom and two (2) three-bedroom flats, formation of vehicular access and provision of associated refuse storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development has changed from the above to the redevelopment of the site involving demolition of buildings and the erection of a part 3 – part 4 storey block of 16 self contained units comprising (8 x 1 bed, 6 x 2 bed and 2 x 3 bed) with basement parking and formation of vehicular access (Outline – All Matters Reserved). This description appears on the appeal form and the decision notice and so I have taken this to be a more accurate description of the scheme refused by the Council.
3. The proposal is an outline one with all matters reserved for future determination. However, plans have been submitted which indicate access, appearance, layout and scale that contributed to the Council's determination of the application.
4. Correspondence between the appellants agent and the Council indicate a suggested amendment to 12 residential units comprising 2 one-bedroom, 4 two-bedroom and 6 three-bedroom flats. This description and the plans accompanying it however, do not seem to have been taken into consideration by the Council when determining the application.
5. The Council has set out six reasons for refusal and cited numerous development plan policies. Given that this is an outline application with all matters reserved I have referred to the most relevant policies only although I have assessed the proposal against all the policies referred to. These are set

out in the London Plan¹, The Enfield Core Strategy² and the Development Management Document³. I have also had regard to the National Planning Policy Framework⁴.

Main Issues

6. I consider that the main issue is the effect of the proposed flats on:-
1. the character and appearance of the area;
 2. the living conditions of the occupiers of neighbouring residential properties and future occupiers of the proposed flats;
 3. highway and pedestrian safety;
 4. the supply of family housing in the Borough and the provision of affordable housing.

Reasons

Character and Appearance

7. The appeal site comprises a semi-detached two-storey house and a block of garages. Cedar Avenue is a residential street made up mostly of two-storey houses. Adjacent though is a taller residential block of 2, 3 and 4 stories wrapping round Cedar Avenue and onto Hertford Road (A1010), a busy main road which includes various commercial properties. Opposite the appeal site on Cedar Avenue are commercial uses. No 10 represents a notable change from commercial properties more associated with Hertford Road with Narev Court presenting something of a transition from commercial to residential but comprising an imposing building in its own right.
8. Whilst this is an outline application, the description of development is very specific regarding the scale of the proposal and the number of residential units. Also access is shown from Cedar Avenue and basement parking is shown. Even assuming that the submitted plans would need further work detailing precise layouts and appearance, 16 residential units is very specific and I do not consider that it is possible to approve an outline proposal with such specific parameters without being fully satisfied that those details would be acceptable.
9. From the plans submitted, I do not consider that I can accept a broad description of a three / four storey residential block of 16 flats as acceptable in this location. Whilst a development fitting this description may be in keeping with the character of Narev Court and the commercial nature of Hertford Road, it would be at odds with the much more domestic character of Cedar Avenue. I note that a lesser number of flats has been suggested by the appellant which may go some way towards alleviating the concerns raised by the Council.
10. From the details submitted I am not convinced that the proposal would satisfy London Plan Policy 7.4 with regard to local character; Core Strategy policies CP 4 and CP 30 with regard to the quality of development or Development

¹ Mayor of London The London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011, March 2016.

² The Enfield Plan Core Strategy 2010 – 2025 Part of Enfield's Local Development Framework, Adopted November 2010.

³ Enfield Council Improving Enfield Development Management Document (DMD), Adopted November 2014.

⁴ Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019.

Management Document Policy DMD 8 which sets out standards for new residential development or DMD 37 which seeks to achieve high quality and design-led development.

Living Conditions

11. With regard to the accommodation to be provided for future residents of the development, London Plan Policy 3.5 sets out internal space areas. Given that precise details of layout are a reserved matter, it is not possible to assess the provision of each room against these standards. Plans have been submitted and whilst these may in general satisfy the required standards, I do not consider that it is possible to qualify whether the standard of accommodation would be entirely acceptable or not or whether the quality and design of this housing development would meet the requirements indicated in London Plan Policy 3.5 or Core Strategy Policy CP 4 or DMD 8. However, this is a matter that ordinarily could be addressed on submission of a reserved matters application.
12. With regard to the living conditions of existing residents, I am concerned that the proposal as described may have a harmful effect. It would need to be a substantial building and the impact that it could have on residents in Narev Court that are closest to No 10, No 12 Cedar Avenue and the residential properties to the rear on Carterhatch Road would require careful assessment. I am not convinced that a development of this scale could ensure minimal harm to the occupiers of surrounding residential properties or that the standards set out in policies DMD 8 or DMD 10 would be met.

Highway and Pedestrian Safety

13. Whilst access is a reserved matter, any vehicular access would need to be from Cedar Avenue. This is a residential street but the appeal site is close to the junction with Hertford Road (A1010). This section of the Cedar Avenue was fairly busy at the time of my site visit with vehicles parked on the road and considerable activity associated with the vehicle related uses opposite as well as vehicles negotiating the junction with Hertford Road.
14. The number of units and the parking spaces required would have a direct influence on vehicular movements and therefore the safe and free flow of traffic. For the 16 units applied for it would be necessary to ensure that safe provision could be made. No technical assessment has been submitted so I am not convinced therefore that the requirements of Policy CP 25, DMD 45 or DMD 47 would be met.

Housing Supply & Affordable Housing

15. The proposal would involve the demolition of a family house and there is doubt expressed that the proposed mix of residential units would satisfy London Plan Policy 3.5 and provide for family homes.
16. It is apparent that the overriding theme affecting the acceptability of this proposal is its outline nature and the status given to the details submitted. From my understanding, the revisions seem to be suggestions only and whilst these may or may not satisfy the policy, I am unable to determine this as they are not presented as firm proposals.

17. London Plan Policy 3.11 sets out targets for providing affordable housing and Policy 3.12 indicates matters to be taken into account when negotiating provision. However, I agree with the appellant that the precise details of any contribution to affordable housing may depend on the final approved scheme, and outline approval with all matters reserved does not provide the scope for a firm determination on this matter.

Conclusion

18. I am aware that the Council seem to have taken a long time to determine this application and revised plans have been submitted but not taken into account. However, I can only base my decision on the details which formed the Council's refusal of planning permission although I have also given consideration to the further details and amendments made.
19. My main concern is with regard to the outline nature of this proposal with all matters reserved for later determination. Plans have been submitted which I have largely taken as illustrative and given the specifics of the description of development such plans are necessary. However, the proposal would necessitate a fairly large block of flats on multiple levels.
20. On the bases of the details before me I consider that a development of this scale would be harmful to the character and appearance of the area. This is my overriding concern. The uncertainty of other details that would affect the living conditions of the occupiers of neighbouring residential properties and future occupiers of the proposed flats; highway and pedestrian safety; and the supply of family housing in the Borough and the provision of affordable housing adds to my concerns.
21. I have not quoted every policy referred to in the appeal documents but have summarised those that are most relevant. My conclusion is a balanced one and I have taken all matters raised into consideration in reaching it.
22. For the reasons set out above, I dismiss the appeal.

J D Clark

INSPECTOR