
Appeal Decision

Site visit made on 9 November 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2020

Appeal Ref: APP/Q5300/W/19/3244002
rear of 2 Nags head Road, Enfield EN3 7AJ

- 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 Masood Qureshi against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03425/FUL, dated 19 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is construction of new build 2 flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The character and appearance of the surrounding area;
 - The living conditions of future occupiers of the proposed development, with particular regard to the quantity and quality of internal accommodation, external amenity space and access; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to privacy and outlook;
 - Access, pedestrian safety and the free flow of traffic.

Reasons

Character and appearance

3. The Council's Development Management Document (DMD) notes that the majority of Enfield's residential areas are based on a form of perimeter block, where the fronts of buildings face directly on to the street and the backs are at the rear enclosing gardens. The appeal site lies in an area which broadly displays these characteristics, albeit that the appeal site and its immediate surroundings deviate slightly from this norm.
4. The existing building at 2 Nags Head Road is located on one of these perimeter blocks. It is located at the end of the row where frontage properties on one street (in this case Nags Head Road) meet the rears of frontage properties on

- another (High Street), the flank elevation of the former separated from the rears of the latter by a service lane.
5. Where the appeal site differs from this typical layout however is that the perimeter block is bisected by a public footpath creating a wedge shaped 'block-within-a-block'. As a consequence, No.2's Nags Head Road frontage is at the point of the wedge, the building detached from the terraced row on one side by the footpath corridor and the High Street rear lane to the other. Beyond, to the rear, the wedge opens out, with a mix of 'back lane' businesses, car repair garages and workshops leading to rear gardens of properties on Durants Road.
 6. The proposed building's scale, form and massing would, from the service lane at least, read as a further element to the already lengthy existing two storey outrigger and flank elevation of No. 2. Such flank elevations at the juncture of opposing terraced rows are not uncommon in a perimeter block urban typology. However, even where these elevations extend for a considerable depth along the service lane and where larger buildings are found in the garden spaces between the frontage blocks, generous gaps between them generally tend to remain. Even with the mix of workshop uses along the service lane, those gaps are present in the case of the appeal site and its surroundings.
 7. The further rearward extension of the outrigger and its flank elevation, in the form of the proposed building, would extend to within a few centimetres of the adjacent workshop building. It would as a consequence remove the gap at ground level and significantly erode it at upper levels and result in an excessively lengthy rear outrigger at odds with the prevailing form of surrounding properties, and the perimeter block more widely.
 8. Furthermore, the flank elevation's fenestration pattern would mark it out conspicuously from the otherwise largely blank flank elevation. Conversely, the two-storey bay with chamfered corners set within a peaked gable elevation at the rear would be at odds with the detailing, appearance and character of the rear elevations of such blocks. Thus, with a front elevation that would open directly onto the rear lane, a footprint area occupying a significant proportion of the site, and an incongruously decorative rear elevation, the proposal would appear cramped within the awkwardly shaped site. The introduction of a decorative rear elevation, facing into the rear area of the perimeter block would also be out of keeping with the development pattern and perimeter block character of the surrounding area.
 9. The proposal would clearly announce the presence of further dwelling units in a manner and position within the block not typical of a perimeter block setting. As such, it would fail to pay due regard to the area's character and appearance and would not achieve high quality development, contrary to Core Strategy (CS) Core Policies (CP)4 or 30, DMD policies DMD8 and 37 and London Plan (LP) policies 7.4 and 7.6. The proposed use of materials and fenestration to match the adjoining property, which should be expected in all development and so neither weighs for nor against the proposal, would not overcome the harm that I have identified in relation to character and appearance.

Living conditions – future occupiers

10. The upper floor unit would utilise the roof space at second floor level to provide a second bedroom. Although the appellant's sectional drawing shows a cross-section with 2m headroom, the '*Technical housing standards – nationally described space standard*' (NDSS) require a minimum floor-to-ceiling height of 2.3m for at least 75% of the gross internal area. The absence of full sectional plans showing the relevant metric for such assessment means that it has not been demonstrated that the upper floor flat would provide sufficient, and sufficiently usable and accessible, living accommodation. Nor, without accompanying evidence, is it sufficient to assert that internal heights would be no different to those of existing neighbouring properties when that evidence is not before me. Although both flats would be dual aspect and their floor areas would exceed the minimum floorspace requirements of the NDSS, the absence of detailed or comprehensive sectional drawings, particularly with regard to the upper floor unit, means that it has not been adequately demonstrated that the proposed upper floor flat provides the high quality, usable floorspace sought by DMD policies DMD5 and DMD8.
11. What outdoor amenity space that would be provided, would be hemmed in by the substantial two storey gable elevation of the proposed building, the flank wall of the adjacent workshop building and by the high fence to the footpath link. It is not clear whether it is the appellant's intention that this area would serve as communal amenity space but, regardless, there would be no direct access to it from the upper floor flat. The alternative, via a walk around the perimeter of the adjoining buildings and along the heavily enclosed and intimidating footpath would be a significant deterrent to access and use even if it were to be made available to occupiers of the upper floor flat.
12. It has not therefore been demonstrated that the proposal would provide appropriate outdoor amenity space accessible from or associated with the upper floor flat contrary to DMD policy DMD9. Furthermore, whilst the area of outdoor amenity space that would be provided would be directly accessible from the ground floor flat and it has not been argued that it would be of an insufficient size for a 1b2p flat, it would be heavily enclosed and overlooked by the proposed and existing surrounding buildings. The quality and usability of the space would be poor as a consequence and the proposal as a whole would fail to provide appropriate or good quality private amenity space. As such, it would fail to comply with DMD policies DMD8 and DMD9, CS policies CP4 and CP30 and LP policies 7.4 and 7.6.

Living conditions – neighbouring properties

13. Given the physical relationship between Nos 2 and 4 Nags Head Road (and their sub-units), the rear of No. 4 is already somewhat enclosed by the rearward projection of the outriggers at No. 2. The proposed building would accentuate this sense of enclosure by way of its additional projection rearwards along the service lane, and also because it would stand forward of its neighbour on its east facing elevation. Thus, although further away from No. 4's rear elevation than No. 2 (2 and 2B), it would be a more imposing feature in the outlook from the rear of No. 4 due to the further rearward projection of its outrigger and by closing off the outlook from the rear of No. 4. Added to the existing outrigger at the rear of No. 4's other neighbouring property, the effect

of the proposal would be to increase the sense of enclosure of, and a somewhat claustrophobic outlook from, the rear of No. 4.

14. Further, the relationship between the proposed two-storey bay and neighbouring properties, particularly No. 4, would enable more direct views back towards the rear of No. 4, rather than across its rear face of No. 4, than is likely to be the case with regard to the relationship between Nos. 2 and 4. The result; an unduly imposing and enclosing form of development, giving rise to a claustrophobic setting for neighbouring properties and which would encourage additional overlooking and loss of privacy between the appeal proposal and those neighbouring properties. For these reasons, the proposal would fail to preserve amenity in terms of outlook and privacy, thereby also failing to provide the high-quality development which, collectively, CS policies CP4 and CP30, DMD policy DMD8 and LP policy 7.6 seek to achieve.

Access, pedestrian safety and highways

15. The service lane is narrow, constrained on the opposite side by a line of bollards and was, at the time of my visit to the site, busy with parked and manoeuvring cars accessing nearby businesses. There would be no outdoor space associated with either flat on the service lane side of the building and so access to both would be taken directly from the rear lane carriageway where there could be conflict between residents accessing and leaving the flats and vehicles using the service lane.
16. Although there would be alternative access to the plot via the public footpath to the rear of the property, but this would only serve the amenity space and provide direct access to the ground floor flat. However, the footpath is extremely narrow and enclosed on both sides by the substantial gable and flank elevations of Nos 2 and 4 Nags Head Road. The sense of enclosure is continued by high walls and fences and the rear elevations of the workshop buildings neighbouring the site such that it would be impractical, if not impossible, to use it to access the amenity space with a bicycle or refuse bin. The footpath is unpleasant, poorly lit, lacking natural surveillance and therefore unlikely to provide an attractive or usable alternative to accessing the ground floor flat, or to provide usable or accessible storage for bicycles or refuse for either of the flats.
17. Thus, the proposal would fail to provide attractive, safe or clearly defined access for pedestrians or cyclists, and also fail to provide appropriate and secure storage facilities for cycles. Moreover, the inadequate, unpleasant and impractical access arrangements at both front and rear would be likely to result in inadequate provision for the storage of refuse bins. Together with the constrained nature of the lane, the lack of appropriate provision in these respects would be likely to result in storage in the rear lane which would hinder the free-flow of vehicles in an already narrow stretch of the lane prejudice the safety of pedestrians using the lane and accessing the proposed dwellings. The proposal would fail to provide a high-quality development and would therefore be contrary to CS policies CP4 and CP30 and DMD policies DMD8, DMD45 and DMD47.

Other Matters

18. The site appeared to be secured at the time of my visit and there was no sign of fly-tipping. The prevention of fly-tipping and treatment of vermin, whilst perhaps a positive aspect of any development of the site should not be dependent upon it, and I give these factors only very limited weight. I noted too, nearby cycle infrastructure and only a short walk to the nearest railway station. However, the area's relative accessibility does not justify a form of development that would give rise to the harm I have identified above.

Conclusion

19. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR