



Appeal Decision

Site Visit made on 5 January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2021

Appeal Ref: APP/Q5300/W/20/3258444
34 Queens Avenue, London, N21 3JH

- 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 Arima Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03840/FUL, dated 1 November 2019, was refused by notice dated 7 May 2020.
 - The development proposed is erection of a 1-storey building with accommodation within the roofspace, comprising of 2 x residential studios, with associated landscaping, cycle, refuse and recycling provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Enfield has delivered 56% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged¹. The Council and appellant have had an opportunity to comment on the implications of this.
3. The proposal before me follows the dismissal of a related appeal on the same site, APP/Q5300/W/17/3174374. Whilst each case must be determined on its own merits, I have had regard to this decision in the determination of the appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of future and existing occupiers in respect of outlook and amenity space; and
 - highway and pedestrian safety, with particular reference to the proposed parking arrangements.

¹ Footnote 7 and paragraph 215 b) of the Framework

Reasons

Character and appearance

5. The appeal site is a rectangular plot, comprising the commercial unit fronting Green Lanes at ground floor with first and second floor flats above, accessed from Queens Avenue. The immediate neighbouring properties have a similar arrangement, with commercial units on the lower floors and residential units above.
6. Queens Avenue comprises the land and buildings to the rear of the Green Lanes Shopping Parade, whilst the opposite side consists predominately of two storey terraced dwellings. The character and appearance of the area is a mix of residential and commercial uses with the plots to the rear of Green Lanes comprising a mix of parking, gardens and garages and some examples of single storey extensions. However, a number, such as the appeal site retain an open feel devoid of structures, commensurate with its status as an ancillary area associated with the Green Lanes terrace.
7. The proposed development would extend from the rear of the existing terrace to provide a 1 ½ storey development which would provide accommodation within the roof space and include three dormer windows facing onto Queens Avenue. The footprint of the development would extend to fill a significant proportion of the existing plot with a modest communal garden being provided at the front of the site to serve the occupiers of the development.
8. The design of the building, has taken its cue from the original detailing of the terrace, with the use of narrow glazing within the front elevation and aluminium framed casement windows to match the existing style of fenestration and these details go some way to tie the proposal into the original architecture. However, the overall form of the proposal, which would partly obscure some of the original detailing including the porch and remaining arched window on the ground floor, fails to successfully reflect the scale and proportions of the original building. In particular, the introduction of dormer windows and their alignment within the existing terrace, would be incongruous and at odds with the position of the existing windows.
9. Whilst examples of dormer windows are present further along Queens Avenue, these are within the upper roof and part of another terrace which has a very different design and appearance to the appeal site. Therefore, they are not directly relevant to the consideration of whether dormers are an appropriate response within the appeal site.
10. By virtue of its position within a relatively open area, the proposed building would be highly visible and would appear as an incongruous feature given the lack of other structures of a similar height. Therefore, the introduction of the built form, due to its scale and height, in combination with the extent of its projection from the rear elevation, would introduce an incongruous and dominant form of development which would be detrimental to the overall character and appearance of the area.
11. Whilst there are existing buildings located along Queens Avenue, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any event, the examples that I saw confirmed that such structures do

appear prominent within the street scene and their existence does not justify further harm to the character and appearance of the area.

12. The proposed development would also introduce a structure along the footpath edge for the storage of refuse. This would be a timber slatted clad enclosure which would sit behind the proposed fence. I do not consider that the introduction of a bin store in isolation would be detrimental to the character and appearance of the area. The bin store would be a small structure which would serve to hide the bins from view. The bin store would not be visible above the proposed boundary treatment, which provides a degree of privacy to the amenity space and is similar to other examples of boundary treatment along Queens Avenue.
13. In conclusion, the proposed development would as a result of its overall size and appearance, be an incongruous addition harmful to the character and appearance of the area. Therefore, the development conflicts with policy CP30 of The Enfield Plan Core Strategy 2010-2025 adopted November 2010 (CS) and policies DMD6, DMD7, DMD8, and DMD37 of the Improving Enfield Development Management Document 2014 (DMD) and policies 7.4, 7.5 and 7.6 of the London Plan (LP), which together require new development to be of an appropriate design and scale having regard to the existing pattern and context of surrounding development and supports development of gardens, only if they do not harm the character of the area.

Living Conditions – Outlook and Amenity Space

14. Policy DMD8 of the DMD requires new residential development to provide high quality amenity space in accordance with DMD9, which at table 4.1 sets out the space requirements. Under these requirements, where there is also access to communal open space, the existing 2 bedroom flats should have access to 6-7 sqm of private amenity space and the proposed 2 x 1p studio flats would require access to 4 sqm of private amenity space.
15. The proposed layout of the site would allow for 6 sqm of private amenity space for the ground floor studio flat and 21 sq m of communal garden for use by all four properties. The existing flats would not benefit from any private amenity space, however as the existing space is neither private nor allocated to either flat, I have given this conflict limited weight. However, the proposed first floor studio flat would not meet the requirements of policy DMD9 as it would not be provided with any private amenity space.
16. The proposed private amenity space for the ground floor flat would be enclosed by a 1.5m fence to separate it from the communal open space, this would limit the outlook from the windows within the front elevation which provide the main source of light to and outlook from the flat, with the only other window in the side elevation being obscure glazed. Given the very close proximity of the boundary treatment it would represent a dominant and oppressive feature which would have a significantly adverse impact on the outlook from the front windows.
17. Having regard to the proposed communal space, whilst Policy DMD9 does not provide any space standards, it states that it must be a functional area which is not overlooked by surrounding development and has suitable management arrangements in place. The proposed communal area will be enclosed by a 1.5m timber close boarded fence and the degree of enclosure, having regard to

the overall size of the space provided, would result in the space feeling particularly oppressive.

18. Therefore, whilst I consider that details of the management arrangements could be a matter to be agreed by a suitably worded condition, the communal space would not meet the requirements of policy DMD9, as it would not result in a space which was attractive and inviting, and therefore would not promote its use as a space for leisure and relaxation. As a result, the proposal would not provide an adequate private amenity space, nor would it provide suitable communal space for the future occupiers of the proposed flats.
19. The appellant states the current area of open space, which has been planted as garden by one of the existing tenants, is not allocated for use by the first and second floor flats. In the earlier appeal, the Inspector considered that the appeal site did serve the existing flats and therefore a replacement of this amenity area was required. However, based on the evidence before me, as there is no formal agreement in place which allows for the existing residents to have the benefit of using this area, whilst the development would result in the loss of this space which is regrettable, I can not consider that its loss would be detrimental to the living conditions of the existing occupiers, as the appellant could restrict their access to this space at any time.
20. I have had regard to the examples provided by the appellant where the Council have accepted flatted development without access to private amenity space, where access to communal space is provided. However, whilst I do not have the full details of these cases before me, it would appear that in these instances the lack of private amenity space was deemed acceptable given the size and standard of communal gardens provided. With regard to the example at 1B Uplands Park Road, where a 2m fence was considered acceptable to enclose the private amenity space I note that the size of the gardens were much larger at 55 sq m and 45 sq m and therefore I do not consider the same enclosing effects would occur. Therefore, as the characteristics of each site are different, the circumstances that applied to other cases may not be directly comparable to the appeal proposal and in any event, I am not bound by other decisions of the Council.
21. In conclusion, the lack of private amenity space for the first floor studio flat, and the quality of the provision of the communal open space, in combination, fail to provide suitable living conditions for future occupiers in respect of amenity space. Furthermore, the proposed development would not provide acceptable living conditions for future occupiers of the ground floor flat in respect of outlook. Therefore, the development conflicts with policy CP4 and CP30 of (CS) and policies DMD6, DMD7, DMD8, DMD9, DMD10 and DMD37 of the DMD and policies 3.5, 7.4 and 7.5 of the London Plan (LP), which together require new housing to be of high quality and design with good quality amenity space and appropriate living conditions for all occupiers.

Highway and pedestrian safety

22. The proposed development would not benefit from any parking on site with external cycle storage provided within the site. The site has a Public Transport Accessibility Level (PTAL) rating of 3, which indicates moderate access to frequent public transport services, with the nearest station at Winchmore Hill, 12 minutes walk away.

23. Policy DMD45 of the DMD states that for sites within existing controlled parking zones residents may be prohibited from obtaining a parking permit, where demand for on street space is already high and would be worsened by the development proposal and that this restriction will be secured by a legal agreement. I have not been provided with a signed and dated Unilateral Undertaking making provision for the required restriction.
24. I have not been provided with any detailed information in respect of car parking demand in Queens Avenue and surrounding streets, which are within controlled parking zones where parking spaces for most of the week are only available to permit holders. However, the site is within walking distance of a range of shops, services and bus stops and Winchmore Railway Station and therefore future occupiers would have a choice of transport modes available to them. Furthermore, the Council does have control over issuing permits.
25. As such, in this instance the proposed development would not significantly impact on demand for on-street parking and future occupiers of the proposed dwellings would have options other than the private motor car. Therefore, in this instance the lack of parking would be acceptable and appropriate cycle parking has been provided within the site.
26. In conclusion, the lack of on-site parking would not be detrimental to highway and pedestrian safety and does not conflict with Policy DMD45 of the DMD which requires development to be considered having regard to the scale and nature of the development and the access to public transport and local amenities. It would also accord with Policies 6.9, 6.10 and 6.13 of the London Plan which together seek to encourage cycling and walking, with an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.

Other matters

Housing Delivery

27. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
28. Taking into account the current shortfall, 2 dwellings would provide a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.

29. Nevertheless, the identified adverse impacts of the development in respect of character and appearance and lack of appropriate amenity space for future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

30. In conclusion, whilst I have found that the development would not be detrimental to highway safety, significant harm would be caused to the character and appearance of the area and to the living conditions of future occupiers. Therefore, taking account all other matters raised, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

