
Appeal Decision

Site visit made on 21 January 2021

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/Q5300/W/20/3258094
612 Hertford Road, Enfield EN3 5TA

- 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 Jay Patel of Western Jay Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00885/FUL, dated 12 March 2020, was refused by notice dated 20 May 2020.
 - The development proposed was originally described as first and second floor extensions to the existing building to provide three self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the provision of 3 x self-contained flats, involving a part 1st floor, part 2nd floor rear extension, balconies to side and front elevations, together with parking and refuse facilities, at 612 Hertford Road, Enfield EN3 5TA, in accordance with the terms of the application, Ref 20/00885/FUL, dated 12 March 2020, and the plans submitted with it, subject to the conditions contained in the schedule of conditions set out below.

Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council, to "*Provision of 3 x self-contained flats, involving a part 1st floor, part 2nd floor rear extension, balconies to side and front elevations, together with parking and refuse facilities.*". This describes the proposal more fully and is also the description used by the appellant on his appeal form. I have therefore used this amended version as the basis for my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host building and street scene.

Reasons

4. The appeal proposal relates primarily to the return frontage of No 612, in Elmhurst Road. The buildings that front both sides of Elmhurst Road at its eastern end are very mixed in form and appearance. On the southern side of the road, the appeal site includes the three storey high side elevation of a former bank, with a floor of accommodation within a mansard roof and

distinctive window surrounds. This provides a visual link with the Hertford Road frontage. Beyond that, the scale of the built form on the appeal site reduces, with first a lower two storey section, followed by an extensive single storey flat-roofed element.

5. On the northern side of Elmhurst Road, opposite the appeal site, the side elevation of 614 Hertford Road is predominantly blank close to the road junction, before stepping down to include a lower two storey section, set back behind a high boundary wall, and a detached single storey building, with a steeply pitched gable facing the road. Still opposite the appeal site is the first two storey dwelling, being a narrow detached early 20th century house. The resulting character of this end of Elmhurst Road lacks cohesion or any sense of a prevailing architectural style.
6. The appeal proposal would extend the former bank building further along its return frontage. It then includes a short three storey section, with its roof set down a little below the adjoining mansard, and set back slightly from the road. The building would then step out once to the back edge of pavement, with a first floor extension above the existing flat-roofed section. The short three storey section would feature large patio doors to the first and second floor flats, set behind small balconies that would run flush with the building's main elevation down Elmhurst Road.
7. The Council is concerned that the contemporary design, fenestration and balconies of the three storey section described above would appear cramped in relation to the rest of the proposal and would have a detrimental impact on the street scene.
8. I accept that it would contrast with the rest of the building and would appear as of a more obviously contemporary design. Its windows would be larger and it would include balconies. Not all the proposed windows at first floor level and above would line up with those on the ground floor. None of these features exist in the immediate vicinity of the appeal site. However, within the very mixed character of the eastern end of Elmhurst Road, I do not consider that the proposal would cause unacceptable harm to the character or appearance of the area. This is particularly true as the more obviously contrasting section of the new build would be set back slightly from the road frontage, thereby differentiating it from the appearance and materials of the rest of the building.
9. I conclude that the proposed development would not have an unacceptably adverse effect on the character and appearance of the host building of the street scene, and would comply with Policies 7.4, 7.5 and 7.6 of the London Plan, Core Policy 30 of the Core Strategy (2010), and Policies DMD 6, DMD 8 and DMD 37 of the Enfield Council Development Management Document (2014). These policies seek development that, amongst other things, has regard to the form, function and structure of an area, has a scale, form, materials and design appropriate to its context, and reinforces a place's identity.

Conditions

10. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework, including the advice to avoid pre-commencement conditions wherever possible, and have amended some of the proposed conditions as a result.

11. In addition to the standard time condition and a condition listing the approved plans, I agree that the development needs to be constructed in the materials specified in the application, in the interests of the character and appearance of the area.
12. I also agree that conditions need to be included to secure the proposed cycle parking spaces, in order to promote sustainable transport, and to ensure that adequate refuse facilities are provided, as shown in the application. Conditions relating to reducing water consumption and the implementation of a sustainable urban drainage system are required to promote water conservation and ensure the sustainable management of waste water. Finally, a condition is required that ensures that windows that might give rise to overlooking are glazed in obscure glass.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed and planning permission should be granted, subject to the conditions set out in the schedule below.

Baljit K Muston

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5209-TFP-ZZ-XX-DR-A-2004 Rev P3, 2003 Rev P4, 2007 Rev P5, 2008 Rev P1, 2009 Rev P1, 2010 Rev P1, 5209-TFP-ZZ-ZZ-DR-A-2006 Rev P7 and 2001 Rev P01, and 5209-TFP-ZZ-00-DR-A-2002 Rev P4.
- 3) All new external work shall be carried out in materials specified in the approved application.
- 4) Prior to first occupation of the development, the cycle parking for 10 cycle spaces shown in the submitted details shall be installed on site, in accordance with the details hereby approved, and shall be retained for the life of the residential use.
- 5) Prior to first occupation of the development, the refuse storage facilities shown in the submitted details shall be installed on site, in accordance with the details hereby approved, and shall be retained for the life of the residential use.
- 6) Prior to the installation of a water supply or of fittings into the extensions hereby permitted, full details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details should 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, as specified in the pre-assessment submitted with the scheme. The development shall then be carried out strictly in accordance with the details so approved and maintained as such thereafter.
- 7) Prior to the installation of a drainage system into the extensions hereby permitted, full details of a sustainable urban drainage system (SuDS) shall be submitted to and approved in writing by the local planning authority. Such a system shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 1 and 1 in 100 year storm event allowing for climate change. The drainage system shall be installed and be operational prior to the first occupation and a continuing management and maintenance plan put in place to ensure its continued function over the lifetime of the development.
- 8) Prior to occupation of the development, a Verification Report demonstrating that the approved drainage / SuDS measures have been fully implemented shall be submitted to the Local Planning Authority for approval in writing.
- 9) The south facing first floor flank windows hereby permitted shall be obscurely glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.