
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: 22 February 2021

Appeal Ref: APP/Q5300/D/20/3259850
78 Village Road, Enfield EN1 2EU

- 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 Ms Christina Panteli against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01839/HOU, dated 17 June 2020, was refused by notice dated 12 August 2020.
 - The development proposed was originally described as a two storey rear and side extension and an extended crossover.
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Decision

1. The appeal is dismissed.

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 "*Part two storey/part three rear and side extension, extension to garage at front together with enlargement to rear dormer and extension of existing vehicular access.*". The appellant states on her appeal form that the description has changed from that stated on the application form, to the description used by the Council. I have therefore used this amended description as the basis for my decision.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - the character and appearance of the area;
 - the living conditions of occupiers of 80 Village Road, with particular regard to any loss of light, outlook or sense of enclosure;
 - highway safety;
 - a highway tree.

Reasons

Character and appearance

4. The appeal site is located in a predominantly residential area. However, the immediate neighbours on either side of the appeal site are a hotel and a care home. The area still retains a residential character, although there is great

variety in the age, style and size of individual properties, a considerable number of which have been extended. In this context, the principle of extending No 78 is clearly acceptable; the question is the effect of what is proposed in the appeal proposal on the street scene and on the character and appearance of the area.

5. The appeal property is one half of what was originally a pair of semi-detached houses. The other half of the pair at No 76 has been extended at ground, first floor and roof level, so that it is now linked to the adjoining pair of houses at Nos 72-74. However, the extension forming the link at first floor and roof level is set well back from the original front elevation, such that the symmetrical appearance of Nos 76 and 78, and of Nos 72 and 74, is still readily apparent, and contributes to the character of this part of the road.
6. The appeal proposal would involve a two storey side extension, with the first floor and roof flush with those on the existing house. This would disrupt the symmetry of the pair of Nos 76 and 78, in a way that would not be the case if the side extension were to be set back. However, as the appellant points out, there are a large number of examples in the local area of two storey side extensions flush with the original walls and roof of the house. The character of the area has therefore already changed to a considerable degree. In this context, the degree of harm that would result from this element of the appeal scheme is reduced.
7. However, the appeal proposal also includes a hipped roof of a different pitch from that on the existing house and on its neighbours at Nos 72-76. The combination of the lack of setback and the different pitch to the roof would appear awkward and detract significantly from the contribution that No 78 currently makes to the street scene. The extent of this is such that the proposal is, in my view, unacceptable.
8. The Council is also concerned about the appearance of the proposed three storey extension to the rear of the property. I agree that, when seen from the rear garden of the appeal site, this would harm the existing harmonious appearance of the rear of No 78. However, this extension would not be visible from any public viewpoint and would be seen in the context of the large mansard roof connecting Nos 74-76, and a very large and prominent roof extension at No 82. Given all of this, I do not consider that the proposed rear extension is unacceptable in its own right (other than its existence being at least partly responsible for the altered pitch on the proposed hipped roof).
9. However, notwithstanding my conclusions on the rear extension in isolation, this is outweighed by the unacceptable impact that would be caused by the scheme as a whole, and in particular the two storey side extension.
10. I therefore conclude that the proposed development would have an unacceptably adverse effect on the character and appearance of the area, contrary to Policies 7.4 and 7.6 of the London Plan (2016) (LP), Core Policy 30 of The Enfield Plan Core Strategy (2010) (CS) and Policies DMD 6, DMD 8, DMD 11, DMD 13, DMD 14 and DMD 37 of the Development Management Document (2014) (DMD). These policies seek development that, amongst other things, has regard to the form, function, and structure of an area place or street, makes a positive contribution to a coherent public realm and streetscape, is of high quality, is of an appropriate scale, bulk and massing, and does not disrupt the character or balance of a group of properties.

Living conditions

11. The Council states in its delegated report that it could not ascertain whether the proposed development would result in unacceptable impacts on the occupiers of 80 Village Road. On my site visit, I was able to understand the relationship between the two properties and as a result come to conclusions as to the scale of impact involved.
12. No 80 is used as a hotel. There are a number of windows that face towards the appeal site on both ground and first floors. The ground floor windows already face single storey buildings on the appeal site, meaning that the erection of the proposed development would not materially change the relationship between the two buildings in relation to those windows.
13. The two windows at first floor level in the side elevation of No 80 are both small, obscurely glazed windows. The appellant has submitted, as an appendix to her grounds of appeal, the floor plan of the hotel. I do not know the origin or age of this plan, and therefore cannot entirely rely on its accuracy in relation to the existing situation on site. However, my observations on my site visit suggest that, as shown on the hotel floor plans, these two windows both light bathrooms. This also appears to be the case for the window in the rear elevation closest to the boundary with the appeal site. Bathroom windows do not light habitable rooms and any impact on them would not justify resisting the appeal proposal.
14. From the evidence before me, I do not consider that the appeal proposal would result in any unacceptable impact on the living conditions of guests of the adjacent hotel at No 80, when using the hotel's rooms or bathrooms. The Council also refers in its reason for refusal to the creation of a sense of enclosure to occupiers of No 80 when using their rear garden. However, the built form on the boundary with No 80 would not extend any further back than existing buildings at the hotel. As a result, no material increase in a sense of enclosure would result for those using No 80's rear garden.
15. I conclude that the proposed development would not have an unacceptably adverse effect on the living conditions of occupiers of 80 Village Road, and would comply with Core Policy 30 of the CS and Policies DMD 11, DMD 14 and DMD 37 of the DMD, in this respect. These policies seek development that does not have an impact on neighbouring properties,.

Highway safety

16. Village Road, outside the appeal site, is the A105. Policy DMD 46 of the DMD deals with vehicle crossovers and dropped kerbs. It says that planning permission for new access onto A roads will not normally be permitted. However, what is proposed is not a new access but an extension to an existing access. The policy goes on to say that, where crossovers are permitted, this will only be where, amongst other things, there is no adverse impact on road safety.
17. The appeal property already has a standard width vehicular access and . crossover onto the A105 outside the site. This immediately adjoins the vehicular access and crossover to the hotel at No 80, thereby forming a larger double width crossover. The appeal proposal would involve this existing double width crossover becoming triple width.

18. There is space to park at least three cars, and probably more, within the appeal site (there were three on site during my site visit). The appellant explains in her grounds of appeal that, at present, only one car can move into or out of the site at a time. This leads to complex manoeuvres of several cars, including moving backwards and forwards over the cycle lane outside the appeal site, in order to allow a car that is boxed in to leave the site. The appeal proposal, by widening the access, would allow two cars parked alongside each other to enter and leave the site independently. These statements have not been disputed by the Council.
19. I can understand the Council's concerns at allowing a wider access onto the A105, particularly as any vehicular movements into and out of the appeal site would have to cross the footway and cycle lane. However, a vehicular access to the appeal site already exists, and the appeal proposal would effectively be increasing the width of an already wide crossover. This increase in width would mean that pedestrians and cyclists passing the site would have to be on the alert for crossing vehicles for a slightly longer period. However, any increase in harm to highway safety would be outweighed by the reduction in the vehicular manoeuvres that, it would appear, currently take place at the site.
20. I therefore conclude that the proposed development would not have an unacceptably adverse effect on highway safety, and would comply with Policies 6.9 and 6.10 of the LP, Core Policies 24, 25 and 30 of the CS and Policies DMD 46 and DMD 47 of the DMD, in this respect. These policies seek, amongst other things, development that has no adverse impact on highway safety or the free flow of traffic, and development that provides safe routes for pedestrians and cyclists.

Highway tree

21. Policy DMD 80 of the DMD says, amongst other things, that development that involves harm to trees covered by Tree Preservation Orders, or trees of significant amenity or biodiversity value, will be refused. The Council says that the large street tree outside the appeal site enhances the visual amenity of the street scene, as well as providing biodiversity benefits, and that the appeal proposal is therefore contrary to Policy DMD 80.
22. The street tree is some distance from the nearest edge of the proposed extended crossover. It is certainly farther away than in many examples of other street trees nearby. Those trees outside Nos 76 and 80 Village Road are much closer to a vehicular crossover than would be the case at the appeal site, and both appear healthy. Care would undoubtedly be required in undertaking any excavation works, and appropriate conditions would need to be included to cover the exact method of those works, in the interests of the continued health of the nearby highway tree. However, the relationship between the tree and the proposed extended access does not justify resisting the proposal.
23. I therefore conclude that the proposed development would not have an unacceptably adverse effect on the highway tree, and would comply with Policies 7.19 and 7.21 of the LP, Core Policy 36 of the CS and Policies DMD 78 and DMD 80 of the DMD, in this respect. These policies seek development that, amongst other things, makes a positive contribution to the protection and management of biodiversity, and retains existing trees of value.

Conclusions

24. I have concluded that the proposal would not have an unacceptably adverse effect on the living conditions of occupiers of 80 Village Road, on highway safety, or on the highway tree. However, I have also concluded that the appeal proposal would have an unacceptably adverse effect on the character and appearance of the area. This outweighs the lack of other harm. For the reasons set out above, I conclude that the appeal should be dismissed.

Baljit K Muston

INSPECTOR