

Appeal Decision

Site visit made on 2 March 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021.

Appeal Ref: APP/Q5300/W/20/3257500

Car Spaces, Rear of Savoy Parade, Enfield EN1 1RT

- 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 Ram Sonee against the decision of the Council of the London Borough of Enfield.
 - The application, Ref. 18/00775/FUL, dated 31 January 2018 was refused by notice dated 13 February 2020.
 - The development proposed is use of the car park and existing steel container and proposed additional steel container and access staircase as office as a vehicle hire service.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of nearby residents with regard to noise and disturbance; (iii) highway and pedestrian safety, and (iv) the vitality and viability of the town centre.

Reasons

3. The Council officer's report clarifies that retrospective permission was granted in November 2016 for '*the use of car park and associated steel container as office for vehicle hire service and associated parking*'. The permission was subject to conditions including condition no. 7 which limited the use to one year and requiring it to be discontinued and / or the container removed from the parking space that it occupies. Other conditions were attached to regulate the use. The appellant says that the container has been in place since 2015 and I have noted the events since then, including enforcement proceedings.
 4. In principle, the use of the container as an office for car rentals in this location may well have been reasonable for the start-up of a new business provided it was only for a limited period and during that time it was well managed to minimise the effect on its surroundings. In that context, I am surprised to see that permission ref. 16/02436/FUL granted in November 2016 included conditions that both limited the use to one year but also required it to be surrounded by brickwork. This is arguably unduly onerous for a one year consent and could be said to create a perception that a longer use than a year might be acceptable.
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5. Be that as it may, the container has now been in place for about six years and the appeal scheme includes an additional container to be placed on top of the existing. Presumably the proposal is to use the lower container for vehicle repairs and the upper container, to be accessed by an external staircase, for the office and reception. In my view this change to two containers would substantially increase the visual impact of the business premises and amount to a significant intensification of the use of the site.
6. Furthermore, the Council's evidence and that of several local residents in Savoy Parade in this appeal is that with the growth of the business, the use is unneighbourly and now clearly inappropriate for a site within a car park . The particular comments are that oversized commercial vans are parked in the car park spaces; that spaces other than the seven allocated in the 2016 permission are being used thereby inconveniencing car park users, and that spaces are being used for vehicle repairs.
7. There are also complaints of floodlighting to carry out repairs at night-time, noise, pollution, a proliferation of litter and the unpleasant consequences of an absence of on-site toilet facilities. I acknowledge that it might be unfair to blame the appellants for all of the adverse effects of all of these issues, and I also recognise that the additional container might provide the opportunity for the business to operate in a more environmentally and neighbourly manner.
8. However, with that said, other than as a start-up site for a very limited period during which there is strict adherence to conditions on a permission, the location of the site and the limited facilities it offers is patently unsuitable for the continued operation and indeed intensification of the business.
9. In its decision to refuse permission the Council has cited the four main issues summarised in paragraph 2 above and a harmful conflict with its development plan policies, in particular Policy DMD25 2 of the Enfield Development Management Document 2014. There are seven criteria in the policy that need to be satisfied for development in the town centre and in my judgement the appeal proposal would fail to fulfil any of them. This in turn would cause an adverse effect in respect of all four of the issues identified.
10. I recognise that the business provides employment as well as a service to a range of customers. However, there is no evidence in this appeal that alternative sites in more suitable locations in Enfield are not available.
11. For these reasons and having had regard to all other matters raised, the appeal fails.

Martin Andrews

INSPECTOR