

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: 06 April 2021.

Appeal Ref: APP/Q5300/W/20/3262580
131A Chase Side, London EN2 6NN

- 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 Sol Khan against the decision of the Council of the London Borough of Enfield.
 - The application, Ref. 20/02493/FUL, dated 6 August 2020 was refused by notice dated 20 October 2020.
 - The development proposed is the demolition of the existing commercial property and the erection of property incorporating three flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the contribution of the proposal to the housing needs of Enfield; ii) the effect on the character and appearance of the Parsonage Lane streetscene, and (iii) the effect on the living conditions for nearby residential occupiers at Nos. 127, 129B & 131B Chase Side.

Reasons

Issue (i): Contribution to the Borough's Housing Needs

3. The planning officer's report on the application accepts that on balance in this case the loss of employment space and a change of use to Class C3 residential would in principle be acceptable. However, this would be subject to other considerations including the three main issues in this appeal.
 4. As regards the first issue, the appropriateness of the dwelling mix, the Council considers that the site's location is suitable for a family unit and that there are no on-site constraints that would preclude this. The policies that support a family unit include Policy CP5 of the Enfield Core Strategy ('the CS') 2010; Policy DMD3 of the Enfield Development Management Document ('the DMD') 2014 and more generally Policy 3.8 'Housing Choice' of the London Plan 2016.
 5. However, the London Plan 2021 has now been adopted and this revision must be considered in tandem with the Council's own policies, which although still in force are now of some vintage – the CS 11 years and the DMD 7 years. Policy H10: 'Housing size mix' of the London Plan 2021 is therefore by far the most recent policy and should be given significant weight in this appeal, especially as
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it is informed by an updated Strategic Housing Marketing Assessment prepared in 2017.

6. Part A of the policy is relevant and the introduction to that policy together with items 6) to 10) inclusive emphasise a more flexible approach to housing mix than that advocated by the Council in this appeal. This is especially as the Secretary of State in the exchange of correspondence with the Mayor of London, whilst supporting family housing, places particular emphasis on achieving the maximum possible number of new homes.
7. Taking this into account, together with the location and some of the other characteristics of the appeal site, I do not regard the proposed housing mix in itself as a sufficient reason for dismissal of the appeal. However, I also recognise firstly that the officer's report was written several months before the adoption of the new London Plan in March of this year, and secondly that the extent of the proposed ground and first floor living area would equate to a 3 bedroom family dwelling of a size at least equivalent to the minimum Nationally Described Space Standards. Insofar as development should be 'design led' this would appear to be a more obvious choice in extending the terrace of four period dwellings. This underlies my approach on issue (ii) below.

Issue (ii): Character and Appearance

8. The development is at the end of a four dwelling terrace which has largely retained its original features and thereby makes a significant positive contribution to the street scene of Parsonage Lane.
9. The appeal scheme would in part faithfully replicate the rhythm and detailing of the street elevation but at its north western end proposes a significantly different appearance to facilitate living space, an outlook and daylight for the proposed studio flats on the first and second floors.
10. In each case there would be a French Window in the front wall of an extension recessed from the building's existing frontage. These would open on to a balcony, which would have a solid privacy screen erected on its north western side. However, whilst the setting back would achieve subservience that in part supports the radically different design, the extension's height would remain the same as the existing terrace. The outcome at second floor level would in my view be an incongruous appearance of the French Window and balcony, both above a slightly lowered eaves line and with the additional bulk of the upper half of the privacy wall for both floors.
11. I consider that these additions would not read comfortably with the existing terrace, as explained more particularly at second floor level, and would draw the eye as a jarring feature in the street scene of Parsonage Lane. It would also be sufficiently noticeable to have a negative effect on the terrace as a whole. Whether this impact would be less harmful than other options including retention of the existing building is irrelevant unless a specific case for a 'fall back' proposal is being advanced.
12. In summary on this issue, the appeal proposal would be harmful to the character and appearance of the area and in conflict with CS Policy CP30; DMD Policies DMD6, DMD8 & DMD37, and those elements of the design policies of the London Plan 2021 that carry forward Policy 7.4 of its predecessor. There

would additionally be conflict with Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019.

Issue (iii): Neighbours' Living Conditions

13. On this issue, the Council's primary concern is that as in a previous scheme (Ref. 20/00936/FUL refused 9 June 2020), the wall to be built on the western boundary of the site would reach a height of three storeys and thereby result in an unacceptable loss of outlook and increased sense of enclosure from the rear windows of the first floor flats at Nos. 131b, 129b and 127 Chase Side. The proposal in the current appeal development is for the impact of the wall to be mitigated by the introduction of a 'Living Green Wall' to cover the gable. In the appellant's view this would be a significant improvement and its specification could obviate the need for any future maintenance.
14. The Council's figure of 7.5m for the distance between the wall and the rear windows serving the first floor flats at Nos. 129b and 127 has not been disputed. I note that Policy DMD10 specifies that there should be a minimum distance of 11m between windows and side boundaries, although this standard is linked to the likely effects on daylight/sunlight and privacy which the Council are not raising in this case.
15. Ostensibly, the shortfall of 3.5m would appear to strongly support the Council's objection on the grounds of a loss of outlook and undue enclosure. However, my visit to the site did not include the opportunity to enter the rooms in Nos. 129 and 127b to both assess the importance of the existing outlook to the living conditions of the occupiers and the likely effect of the Living Green Wall. Nor have I been given more details of the wall other than a sketch and photograph on Drawing No. 2003-SK15 Rev. A, or indeed examples where it has been successfully used to mitigate an otherwise unacceptable outlook.
16. In short, on the evidence available, although I consider it unlikely that the outlook onto a Living Green Wall would be acceptable, I am unable to conclude this with the certainty required to determine compliance or conflict with the Council's policies.

Other Matters

17. The fourth reason for refusal refers to the absence of an energy report to demonstrate how the appeal scheme would meet the requirement for carbon zero development. This has now been submitted as an appeal document but the Council has declined to engage with it at this late stage in the process. The document can be adapted and re-presented in any future application.
18. I have noted the objections of a local resident in respect of the effect on living conditions and car parking but consider that these matters have been correctly addressed in the planning officer's report.

Conclusion

19. On the issue of housing mix, I do not regard the proposal as being necessarily precluded, whilst regarding character and appearance I consider the Council's concerns to be well founded. On the third issue of neighbours' living conditions, the Council's appraisal is likely to be sound, but I would have required further evidence to be definite in my own view. For the reasons

Martin Andrews

INSPECTOR