

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/20/3258870

70 Victoria Road, Edmonton, London N9 9SU

- 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 Lumiere Property against the decision of the Council of the London Borough of Enfield.
 - The application, Ref. 20/00935/FUL, dated 6 March 2020 was refused by notice dated 21 May 2020.
 - The development proposed is the demolition of the existing outbuilding; Erection of 1 No. dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the development on the character and appearance of the area; (ii) the adequacy of living conditions, both as regards the outlook and amenity space for future occupiers of the proposed dwelling and for existing neighbours in terms of outlook, privacy and light, and (iii) the effect on the health of nearby trees of high amenity value.

Reasons

Character and Appearance

3. No. 70 Victoria Road is at the end of a line of terraced houses with narrow but fairly long rear gardens stretching down to Sycamore Close where there are blocks of three storey flats. As the end property in the row, the flank of No. 70's back garden adjoins Pycroft Way which links Sycamore Close to Victoria Road.
 4. The proposal is to demolish an existing single storey outbuilding at the end of the garden and replace it with a paved amenity area to the rear of a new two storey dwelling occupying most of the garden's width and with a single parking space to its front, accessed from Pycroft Way.
 5. However, I consider that the construction of a house in this position and its new access would be perceived as an incongruous departure from the established development pattern. The building would draw the eye as a prominent intrusion within the essentially open character of the rear gardens of the
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terrace, and with this siting appear out of keeping with the frontage properties and their narrow plots.

6. For the appellant it is argued that the design of the house would have a gable and external materials similar to Nos. 1-7 Pycroft Way, thereby affording credence to its location. However, this limited coherence with existing buildings in the locality would be outweighed by the perception of a somewhat random siting of a two storey house in the narrow rear garden area of No. 70. This is because the house and garden form part of a Victorian terrace where any passer-by in Pycroft Way or Sycamore Close might expect to see only an outbuilding of clearly subservient scale to a host dwelling. Taking these objections together, the proposal would cause significant harm to the character and appearance of much of the garden area between Victoria Road and Sycamore Close.

Living Conditions

7. The Council's concern is with the future living conditions of both the occupiers of the proposed dwelling and the existing residents of the terrace. As regards the former, with the parking space at the front the amenity area appears to be limited to a small paved area to the rear. This could be used for sitting out but little else and would be the principle outlook from the dwelling, being the aspect from a shared kitchen/dining/ living area. Whilst I regard this paved area as conferring a fairly poor level of amenity, if the appellant's measurements are correct it would exceed the minimum required for a dwelling of its size. And therefore in itself would not carry substantial weight as a reason for refusal.
8. In terms of the effect on neighbours, which would include future occupiers of No. 70, the rear windows of the host dwelling would look out over a truncated rear garden towards the steeply pitched gable of the two storey building. This would create an undue sense of enclosure in the shortened rear garden, whilst the Council's calculation is that the distance would fail to meet minimum standards for outlook.
9. In respect of the impact on the adjoining No. 68, although obscure glazing would safeguard privacy in the rear garden, I consider that the amenity of that area would be significantly compromised by the reduced outlook resulting from the proximity of a two storey building positioned tight to part of the boundary. The Council has also referred to a more general loss of privacy and light for neighbours, but given the orientation of the proposed building I am not persuaded that an unacceptable effect has been demonstrated.

Effect on Trees

10. The Council's concern is that the appeal development would affect the root protection area of at least one of the TPO trees along Sycamore Close to the rear of the gardens of the terraced houses in Victoria Road and several of the high amenity value street trees that are not protected.
11. The appellant's Statement includes a response from the arboricultural consultant who argues that the development's maximum incursion into the root protection areas would be less than 10% and the proposed hard surfacing area to the rear of the building would be built in a form and with materials that would not threaten the health of nearby trees.

12. Be that as it may, I am not convinced that the change in ground conditions as a result of the proposed dwelling and its hard surface areas immediately to the front and rear would be compatible with the long term health of the trees in Pycroft Way and Sycamore Close nearest to the dwelling. Not least there is the point that it is often the case that residents who live very close to large trees become concerned on issues of safety (falling branches) and nuisance (leaves, twigs and general detritus). The result is pressure for felling and pruning that may become difficult for the Council to reasonably resist, with consequential harm to the amenity of the area. And in this instance the proposed house would be particularly close to these large trees.

Conclusions

13. I acknowledge that the dwelling would make a positive, albeit very modest, contribution to housing supply; that efforts have been made to address the Inspector's objections in the previous appeal, and that there are some aspects of the Council's case that I do not fully support. However, on balance I consider that the proposed dwelling would be harmful to the character and appearance of the area; would in some respects result in unsatisfactory living conditions, and would have the potential to have a harmful effect on trees that are important to amenity.
14. There would therefore be a conflict with Policy CP30 of the Enfield Core Strategy 2010; DM Policies 6,10,37 & 80 of the Enfield Development Management Document 2014; Policies 3.5, 7.1, 7.4 & 7.21 of the London Plan 2016 as now adapted and incorporated into the March 2021 London Plan, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019. (In this list I have referred only to those policies where in my view the conflict is clearest).
15. For these reasons the appeal is dismissed.

Martin Andrews

INSPECTOR