



Appeal Decisions

Site visit made on 4 February 2021

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th April 2021

Appeal A: APP/Q5300/W/20/3258478 **50 Slades Hill, Enfield EN2 7EE**

- 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 Slade Hill Investments Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01061/FUL, dated 27 March 2020, was refused by notice dated 10 July 2020.
 - The development proposed is described as '*Redevelopment of the site to provide a new building containing 6 flats (2x1 beds, 3x2 beds, 1x3 bed) with associated works and parking*'.
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Appeal B: APP/Q5300/W/20/3263154 **50 Slades Hill, Enfield EN2 7EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Slade Hill Investments Ltd against the London Borough of Enfield.
 - The application Ref 20/03003/FUL is dated 17 September 2020.
 - The development proposed is described as '*Redevelopment of the site to provide a new building containing 6 flats (3x1 beds, 2x2 beds, 1x3 bed) with associated works and parking (Revised Scheme)*'.
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Decisions

Appeal A: APP/Q5300/W/20/3258478

1. The appeal is dismissed.

Appeal B: APP/Q5300/W/20/3263154

2. The appeal is dismissed and planning permission is refused for development described as '*Redevelopment of the site to provide a new building containing 6 flats (3x1 beds, 2x2 beds, 1x3 bed) with associated works and parking (Revised Scheme)*' at 50 Slades Hill, Enfield EN2 7EE'.

Procedural Matters

3. As set out above there are 2 appeals on this site. One following the refusal of planning permission ('Appeal A'), another following a failure to determine an application for planning permission within the statutory period ('Appeal B').

4. For Appeal B, I have been provided with an officer report to the Council's relevant committee that recommended planning permission be granted, subject to conditions. I also accepted late information from the Council confirming that the officer recommendation had been overturned and permission would have been refused, had the Council been able to determine the proposal. This was on the grounds of the revised proposal's excessive scale and inappropriate design. I gave the appellant a further opportunity to comment and I have considered the comments received in my determination of Appeal B.
5. The main differences between the schemes are essentially their design and external appearance. Whilst I have considered each proposal on its own merits in order to avoid duplication, I have dealt with the 2 schemes together, except where otherwise indicated.
6. Following the site visit the London Plan 2021 was published by the Mayor. I am required to determine the appeals on the basis of the development plan and national policy which are in place at the time of my decisions and I gave the parties an opportunity to comment on the significance of its adoption for the appeals. I have considered the comments received in my determination of the appeals.

Main Issue

7. Given the above, the main issue in both Appeal A and Appeal B is the effect of the proposal on the character and appearance of the appeal site and area.

Reasons

Character and appearance

8. The appeal site comprises a large 2 storey and unoccupied detached dwelling with separate garage and garden to the front and rear. It is set on the sloping south side of Slades Hill, a busy suburban thoroughfare with residential development on both sides. Despite being set back from the carriageway due to the location of the site, the sloping topography and alignment of Slades Hill and its open front garden I found the appeal property to be prominent within the streetscene.
9. Slades Hill is referred to as being part of the 'Ridgeway' area within the Council's Enfield Characterisation Study 2011. The primary typologies found in the Ridgeway area are stated as being suburban flats, street-based estates, and classic suburbs set around what is clearly a historic route, once occupied by low density housing on large plots of land.
10. I observed these typologies and variety in building sizes and form but in this section of Slades Hill the appeal property and those that form its immediate context are of a traditional suburban character. The roofscape is formed by pitched roofs of varying extents and configurations of roof planes with both gable, flat roof, and cat slide first floor elements and side dormer windows. Apart from No. 52 which has a stronger architectural affinity with properties in Slades Rise, the properties in this row up to No. 36, share features such as vertical tile hanging, open soffits, tall chimneys, and a limited use of render.
11. This roofscape, combined with the sloping topography and stepped layout of the properties also allows for gaps between the dwellings at roof level and there is a significant gap between the appeal property and No. 52. This allows

for views of mature trees to the rear which also contribute to the suburban character and appearance of the area.

12. The proposals would be large and modern 3 storey building under a large expanse of flat roof. Contemporary design can develop a further layer of townscape which complements, rather than competes with the past. It is critical however to understand how the proposals will visually engage with their context and how it responds to the constraints and opportunities of the site and locality.
13. Despite not encroaching beyond the existing building line of No. 52 and being on a larger plot than its neighbours, the proposals in both Appeals A and B would result in buildings that would occupy nearly the full width of the site and the upper floors and roof would be sited much closer to the side boundary with No. 52. Both buildings would follow the stepped pattern of built form, but they would be set forward of No. 48 and noticeably deeper and wider than the existing building. This would be clearly evident on both approaches past the appeal site.
14. Composed of a series of flat, rectangular forms the building proposed in Appeal A would be of a very angular and overly box like appearance. Its deep and squat 3 storey form would visually jar with the more traditional suburban form and appearance of the properties that form its immediate and prevailing context. Evidently bulkier across the width of the site, including in its upper storeys and to the rear, the existing gap with No. 52 would be significantly reduced diminishing views of mature trees to the rear.
15. Although set back slightly, the eye would be unacceptably drawn to the zinc cladding across the nearly the full width of the top storey. Further, the combination of buff brick and Aluminium cladding on the rectangular projecting first floor element would exacerbate its prominence. Over such an expanse the palette of materials and fenestration would appear in stark and harmful contrast to the more traditional architectural detailing and brickwork of the appeal property and neighbouring dwellings. Although buff brick is used in the wider area, those properties do not share the same context.
16. There is a level of subjectivity in such judgements but the building in Appeal A would appear as an entirely alien and incongruous intrusion into this row of traditional suburban dwellings along this section of the hill. Given the prominent location of the appeal site in the street scene, such incongruity would be clearly apparent from the surrounding public realm. It would result in an obtrusive and discordant building that would at serious odds with the appearance of this part of the Slades Hill streetscene
17. I acknowledge the appellant has sought to address those earlier reasons in Appeal B by amending the building's appearance. The design has also been considered with some reference to architectural features and detailing found within the area and on the existing building. I have also had regard to the professional opinion of officers in recommending that permission be granted, subject to conditions.
18. Nonetheless, retaining a significant expanse of flat roof it would still be much bulkier across the site in its upper floors and perceived as much deeper than the existing built form. Designed to maximise living accommodation in the upper storeys the building would retain a large area of flat roof. The

combination of the hipped roof, large lead dormers and brick central projecting gable would be quite unlike the scale or appearance of similar features on the host and neighbouring properties.

19. Obscuring the majority of the roof slope and at such a scale the upper floors and roof would still be overly dominant from the public realm. The combination and configuration of materials would be unsympathetic to those that prevail on this side of the hill and only serve to draw unnecessary attention to it, visually confronting passers-by.
20. Such effects would not be mitigated by retained and replacement landscaping, including existing street trees or any additional planting that could take place around the buildings. I doubt there would be sufficient room for the extent of mature landscaping shown on the relevant computer-generated image in the accompanying Design and Access Statement.
21. The design approach here may well be to introduce a contrast to the prevailing built form but in both appeals such residential intensification would result in buildings that would be of a significantly greater mass, depth, and bulk. Redevelopment of this site may well necessitate built form of some substance but seeking to make a more optimal use of land should not be at the expense of design quality.
22. Instead of positively contributing, the juxtaposition of such contrasting-built form in both appeals would be harmfully at odds with the prevailing character and appearance of the appeal site and area. In this context, such intrusions of urban style apartment architecture would be to the detriment of the appearance of the Slades Hill street scene. In my view, the appellant has somewhat underestimated the visual effects of such an approach and neither the proposal in Appeal A nor Appeal B would represent a sufficiently high quality of design.
23. In reaching this view I have had regard to the examples of what are undoubtedly larger flatted blocks in the wider locality. However, I observed these were grouped together, further up the hill and around the junction with Chase Ridings. I do not consider that the examples¹, including South View Court can be reasonably said to share the same context as the appeal site and each case must be determined on its own site-specific merits.
24. I also accept that No. 52 is part of a large semi-detached building, but it is sited lower than the appeal site and its prominence is reduced by having subservient front gables which sit much lower than the ridge height and are constructed in matching roof tiles. In my view, the overly complicated form and appearance of the upper storeys combined with their overall scale would have far greater visual effects.
25. For these reasons, in both appeals the proposal would cause significant harm to the character and appearance of the appeal site and area. In both appeals there would be conflict with Policy 30 of The Enfield Plan Core Strategy 2010-2025, Policies DMD6, 8 and 37 of the Improving Enfield Development Management Document 2014 ('the DMD') and Policies D3 and D4 of the London Plan. When taken as a whole and amongst other things, these require development to be of a high-quality design, of an appropriate scale, bulk, form,

¹ Design and Access Statement

and massing to the existing pattern of development and to enhance the quality of local places. Further, that inappropriate development to its context, or which fails to have appropriate regard to its surroundings is refused and that density is appropriate to the locality.

26. The proposal would also conflict with the achieving well design places objectives of the National Planning Policy Framework ('the Framework'). In particular, the requirement that developments add to the overall quality of an area, are visually attractive as a result of good architecture, are a high-quality of design that is sympathetic to local character and history and results in a well-designed place. These would not be outstanding or innovative designs that would help raise the standard of design more generally and would not fit in with the overall form of their surroundings.

Other Matters

27. I have been referred by the appellant to the fall-back position and the appellants are very keen to provide '*suitable additional residential accommodation*'. The appellant also refers to a number of extensions that could be carried out, including additional storeys and I am referred to '*other permitted development extensions would be possible*'. Having regard to the relevant case law, in determining the materiality of a fallback position as a planning judgement the basic principle is that for a prospect to be a 'real prospect' it does not have to be probable or likely; instead, a possibility will suffice.
28. In some cases, however², a degree of clarity and commitment may be necessary, and this will always be a matter for the decision maker's planning judgement relating to the particular circumstances of the case in hand. In these appeals, there appears to be a broad intention to develop this residential property which maximises its value and there appears to be a greater than theoretical possibility such permitted development works could take place.
29. However, there is little to substantiate the appellant's claim that the exercise of these rights would be '*less aesthetically*' pleasing, or any indication of what any permitted development rights would allow let alone how it would appear. In cases with a degree of subjectivity a greater clarity and commitment in those details is necessary in order to assist me as the decision maker in comparing the effects. The evidence before me does not allow a definitive conclusion to be reached that the schemes before me would be materially less harmful. I therefore give this consideration little weight.
30. I am also aware that planning permission was granted in 2009 (ref: TP/09/1157) for the redevelopment of the site to provide 5 flats although this permission appears to have expired. Even if it was capable of being implemented and although of a significant size, it is of an entirely more sympathetic suburban design than the schemes before me³ would be and would have much lesser effects in terms of character and appearance. Its presence does not therefore alter my view, noting the principle of development for flatted accommodation is also acceptable in this location.
31. On my reading, there is some clear dissatisfaction at the Council's handling and determination of the application and appeals process. I acknowledge that pre-

² As confirmed in *Mansell v Tonbridge & Malling BC* [2017] EWCA Civ 1314.

³ Section 3.0 of SF Planning Statement 27 March 2020.

application discussions took place and that some positive responses were given by those officers at that time. Further, that in appeal A the recommendation changed during the course of determination and in Appeal B a positive recommendation was given by officers but was overturned at committee.

32. However frustrating that may have been it is the decision of the Council, not a recommendation from one of its officers that I must consider. Members were entitled to take a different view to officers in Appeal B, especially in a case which involves matters of planning judgement, even though they no longer had the authority to issue a decision.
33. Ultimately, although the officer report in Appeal B is a consideration, for the reasons given above I have disagreed with that view and the Council's administration and determination of the applications has little bearing on the planning merits of the proposals before me. No applications for costs have been made and on the evidence before me, I do not consider there are any grounds to initiate my own award. Thus, none of these other considerations, on their own or in combination, alter my view to dismiss both appeals.
34. I have also had regard to the appellant's reference to the Planning White Paper of August 2020 but do not consider that at this point any planned reforms outweigh or justify the harm and conflicts that I have identified in both appeals. I have taken into account all the other matters raised, including the draft conditions which could have been appropriate had a grant of planning permission been appropriate, but do not find that they alter or are necessary to my conclusions on the main issue in these cases.

Planning balance and conclusion

35. The proposals in both appeals would make a more effective use of land in meeting the need for new homes. There would be some modest social benefits from the provision of 5 additional units in both schemes and this would be on a small site and contain an appropriate housing mix. A modest amount of weight arises in relation to direct and indirect economic benefits during construction and to residents spend and support of local services in the area, given the number of units proposed.
36. Environmental benefits do not appear to go beyond current Building Regulation requirements although there may be some minor benefits from energy efficiency measures such as solar panels and additional bird and bat boxes. I ascribe negligible additional benefit in respect of accessibility to local services, or compliance with housing or other development management standards and policies as I consider this to be an absence of harm. It is also not determinative no objections from statutory consultees were received.
37. Balanced against these considerations, the development plan requires development inappropriate to its context to be refused. Well-designed places and schemes integrate not intrude into their surroundings, so they relate well to them, are influenced by, and influence their context positively. That would not be the case here and put simply, both proposals would, overall, be far too bulky and visually inappropriate to fit comfortably into these particular surroundings. Whilst innovation or change should not be prevented the proposals would not safeguard and improve this particular environment, a key component of the Framework's objective of making effective use of land.

38. Although there may be policies which the scheme accords with, I give greater weight to the harm and the conflicts that I have identified in terms of the main issue. These are such that in both appeals the proposal should be regarded as being in conflict with the development plan, when read as a whole.
39. My attention is drawn to the dimensions of sustainable development in the Framework and the appellant's conclusions are '*based upon the presumption in favour of sustainable development*⁴', albeit no reasons are given as to why this should be applied. Paragraph 9 of the Framework is clear however that those dimensions are not criteria which every decision can or should be judged on but in any event the proposals would fail to fulfil the environmental and social dimensions as they would not be well designed built environment and would not contribute to protecting and enhancing the built environment.
40. Even if I were to conclude the policies which are most important for determining the application are out of date and therefore paragraph 11 d) of the Framework is engaged, the adverse impacts of granting permission in both appeals, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposals would not therefore represent sustainable development.
41. In conclusion, in both Appeal A and Appeal B material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
42. Having considered all other matters raised, I therefore conclude that both Appeal A and Appeal B should be dismissed and in Appeal B only, that planning permission be refused.

Richard Aston

INSPECTOR

⁴ Paragraph 5.17 of Appellant's statement of case (Appeal A).