



Appeal Decision

Site visit made on 11 May 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2021

Appeal Ref: APP/Q5300/W/20/3263349

2B Tottenham Road, London N13 6HX

- 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 Mikhail Azar against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/02323/FUL, dated 16 March 2020, was refused by notice dated 15 September 2020.
 - The development proposed is described as Existing commercial and light industrial unit to extend upwards by 1850mm from 3150mm to 5600mm high. Existing footprint to remain the same. The proposal aims to improve the aesthetics of the building.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 2 March 2021 the London Plan (2021) was published, replacing the London Plan (2016). The Council and the appellant have been given the opportunity to comment on this matter.
3. The Council's delegated report makes reference to the Lakes Conservation Area. However, it has been subsequently confirmed that the site is not within a Conservation Area, and I have considered the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of Nos 2 and 2A Tottenham Road with particular reference to outlook.

Reasons

Character and appearance

5. The appeal site is a long established single storey flat roof building in a commercial use with a small yard, accessed from a service road to the rear of premises fronting Green Lanes. It is surrounded by gardens, yards, and the access road to the rear of the generally two storey buildings which front Green Lanes, Tottenham Road and Grenoble Gardens.

6. To the rear of the two storey elements of buildings fronting Green Lanes those premises generally comprise single storey extensions and buildings of an ancillary height and scale, and some yard and parking areas, bound by the service road. To the north, south and east of the site, based upon what I saw on my visit and the appellant's aerial photograph submissions the pattern of development behind the two storey mostly residential properties is one of modest single storey projections and outbuildings within rear gardens and yard areas. Consequently, there is a well-defined character to the area. Although its volume is greater than some outbuildings and projections, its height means the appeal site building is in keeping with the surrounding pattern of development and the character and appearance of the area.
7. The proposed development would significantly increase the building height by approximately 2.45m to approximately 5.6m. Due to its position and the combination of the increased height, scale, bulk, and massing, the development would result in a building that would be discordant with and out of keeping with the surrounding pattern of development, where development behind the two storey buildings along main highway routes are of a significantly lower ancillary height and scale. In the context of its modest plot and having regard to the plots nearby, the two storey height occupying the significant majority of this plot would also appear somewhat overdeveloped. For these reasons, the development is at odds with and would result in significant harm to the character and appearance of the area.
8. The proximity and height of surrounding trees make a positive contribution to the character and appearance of the area, in keeping with other gardens, and they are of a significantly different appearance to the proposed building. They provide screening from the south. However, they would not screen a significant proportion of the development, and so it would be significantly visible from some of the access road and a number of neighbouring commercial and residential properties to the north, north east and the west. Therefore, the presence of the trees does not justify allowing this appeal.
9. The pitched crown roof might be more reflective of nearby pitched roof buildings meeting some objectives of development plan policies including Policy GG2 d) London Plan (2021) (the LP). However, this does not mitigate or overcome the other harm I have set out above.
10. For the reasons set out above the proposed development would not be in keeping with and would be significantly harmful to the character and appearance of the area. Therefore, it would conflict with Policy CP30 of the Enfield Plan Core Strategy (2010) (the CS) and Policy DMD37 of the Enfield Development Management Document (2014) (the DMD). In combination and amongst other things these require development is of a high quality design that has special regard to and is in keeping with its context and surroundings having regard to the pattern of development.
11. In its first reason for refusal the Council has referred to Policy 7.4 of the London Plan (2016). The plan has been replaced by the London Plan (2021), and the Council has not provided an equivalent replacement policy.

Living conditions

12. The appeal site shares its boundaries with a back yard and garden associated with what appear to be residential dwellings fronting Tottenham Road (Nos 2

and 2A). The appeal proposals would increase the building height to approximately 4.1m to the eaves and 5.6m to the ridge. No 2 has a rear projection to within approximately 3.5m of the appeal site building. At my visit due to the height of the boundary wall, I was not able to ascertain whether there are any windows on the projection and whether they have an outlook. Therefore, from the evidence before me, I am unable to conclude there would be harm to the outlook from internal living space at No 2 as alleged by the Council in its reason for refusal.

13. However, from my visit I was able to see that the building is a short distance from what appear to be habitable accommodation windows on the ground floor of the rear projection at No 2A. These are separated from the appeal site building by a low level fence and based upon the plans before me a distance of approximately 6.5 – 7m. Notwithstanding the pitched roof, by virtue of its close proximity the significant increase in height, scale, massing, and bulk of the building would form a highly dominant, enclosing, and overbearing feature when viewed from No 2A. This would result in a significant loss of outlook from the windows, resulting in harmful living conditions to the occupiers of No 2A.
14. For the reasons set out above the proposed development would result in harmful living conditions to the occupiers of No 2A as a consequence of a loss of outlook. Therefore, it would neither be a high quality form of development or maintain the quality of the built environment having regard to its surroundings, in conflict with the aims of Policy CP30 of the CS and Policy DMD37 of the DMD. These policies are consistent with paragraph 127(f) of the National Planning Policy Framework (2019) (the Framework) and its aim of ensuring developments promote health and well-being and a high standard of amenity for existing and future users.
15. Policy DMD8 referred to in the Council's second reason for refusal relates to the standard for new residential development, so it is not applicable to this proposal.

Planning Balance

16. I am advised this development is the most viable and least harmful means of providing increased internal space and light. It would make a more efficient use of the site and allow increased storage, to meet the needs of the existing and any future business occupiers. It would therefore result in some social and economic benefits, consistent with the growth and regeneration objectives of the London Plan (2021) (the LP) including Policies GG1, GG2 and GG5, and it is close to the identified Opportunity Area of Wood Green. Notwithstanding the current economic conditions based upon the scale and use, the economic and social benefits of this development would be small, attracting limited weight.
17. The new roof and rooflights may result in some benefits in respect of energy efficiency and improve the fire safety rating of the building, consistent with the objectives of Policies GG5 and D12 of the LP. However, the evidence before me in these regards is very limited. Based upon the information provided and the proposed configuration of the development, these benefits would be small. Overall, the benefits of the development attract limited weight in favour of the development.
18. If the development were to be considered to comply with policies in respect of matters such as air, privacy, and light, these would be neutral matters

attracting neutral weight. The absence of an objection from neighbouring properties is noted, but this is not an indication of an absence of harm. Furthermore, as the occupancy of dwellings is transient over time, what may be tolerable to one occupier, may not be tolerable to another.

19. The policy compliance and the benefits of the development attract limited weight. These would not outweigh the significant harm from the development to the character and appearance of the area and the harmful living conditions for neighbouring occupiers, which are matters that attract significant weight against the development.

Conclusion

20. The proposed development would harm the character and appearance of the area and result in harmful living conditions to neighbouring occupiers, in conflict with the development plan and the Framework taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR