



Appeal Decision

Site visit made on 27 April 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2021

Appeal Ref: APP/Q5300/W/20/3262831 85 Ridge Road, London N21 3EL

- 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 Deborah Newby against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01209/FUL, dated 15 April 2020, was refused by notice dated 3 August 2020.
 - The development proposed is Demolition of garage and construction of new 2-storey 3-bed house in a newly formed plot in the rear of the garden of 85 Ridge Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 19 January 2021, the Government published the 2020 Housing Delivery Test (HDT) results, showing the Council has delivered 56% of its housing requirement over the latest 3-year period. On 2 March 2021 the London Plan (2021) was published, replacing the London Plan (2016). The Council and appellant have had an opportunity to comment on the implications of these matters.
3. The Council has not expressed an objection in respect of the potential effects of noise emissions from a nearby electricity substation. However, having regard to matters raised by interested parties and what I observed on my visit, I have had regard to this in setting out the main issues below. I have allowed the Council and appellant the opportunity to comment on this matter and taken those views into account in determining this appeal.
4. The Council's decision notice refers to plan/drawing Ref A-00300 Rev P2, which is not before me. The appellant has suggested the decision notice reference should have been to plan/drawing Ref A-00300 Rev P1, which shows cross-sections of the development. I have considered the appeal on this basis.

Main Issues

5. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;

- the effect of the proposed development upon the living conditions of future occupiers of the dwelling with particular reference to noise and disturbance;
- whether the proposed development would make adequate provision for sustainable design and construction; and,
- whether the proposed development would make adequate provision for sustainable drainage.

Reasons

Character and appearance

6. The new dwelling would front Solna Road, of which this section is strongly characterised by pairs of semi-detached dwellings with either gable or hipped roofs, with alternate pairs of decorative front gable elements. While some have undergone alterations, similar fenestration patterns, ground floor bay windows and canopies, and coloured brickwork results in a distinctive, consistent, and rhythmic appearance. The surrounding dwellings are set within deep rear gardens contributing to a regular distinctive pattern of development. Towards the ends of the road the long perpendicular gardens with ancillary scale buildings create a sense of reduced scale and openness. As part of one of these gardens with a modest ancillary scale building, the appeal site contributes positively to the prevailing character and appearance of the area.
7. The dwelling has sought to replicate the height and design of those to its north. However, it would be a detached single dwelling several metres from No 6, positioned between two modest single storey buildings of which it is considerably taller, larger and does not relate well to. The detached form, distance from No 6 and relationship with the nearest buildings, would result in the dwelling being somewhat isolated from, jarring, incongruent with and not reflecting the strongly defined rhythm and grain of the pairs of semi-detached dwellings. Therefore, the development would be markedly at odds with and significantly harmful to the character and appearance of the area.
8. While the new dwelling may be of a similar footprint it would be markedly shallower than those to its north. It would occupy a considerably smaller plot less than half the depth of many nearby and with much of the main garden space at its side. The plot is so constrained, part of the rear wall of the ground floor forms the rear plot boundary. Consequently, the design of the development would appear highly cramped on an incongruently short plot with an unusual small side garden. This would be significantly at odds with and detrimental to the character and appearance of the area, being highly discernible as such from a number of neighbouring properties. Therefore, the development is not considered to exhibit a high standard of design having regard to the established pattern of development.
9. Regard has been had to nearby dwellings in designing the appearance of the new building. Features such as the window pattern, canopy, recessed porch, hipped roof, front building line, front garden, and boundary wall are elements in keeping with the dwellings to the north, and some objectives of design policies. However, such matters do not overcome the harm I have found.
10. Reference has been made to dwellings on Percy Road, Colne Road and Kent Road which would appear to be isolated examples, and I was not able to identify similar developments in the same visual context as the appeal site at

my visit. I have not been provided with copies of those decisions, the associated plans, or the circumstances and considerations that lead to their approval. Therefore, I cannot make a reasoned comparison between other dwellings and the appeal proposal, which I have considered on its own merits.

11. The site has been the subject of previous applications, and dismissed on appeal, of which I have been provided with some details. I also note the extract of pre-application advice and that this scheme seeks to address previous concerns, however I find the development significantly harmful for the reasons set out above. The historic map from 1914 might suggest the appeal site is on land once intended to have accommodated another pair of properties. However, this is not what is present at the appeal site as part of the current established character of the area. These matters attract only limited weight.
12. For the reasons set out above the development 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 these policies seek to ensure that development maintains and improves the quality of the built environment and promotes a high standard of contextually appropriate design. It would also conflict with paragraph 127 of the National Planning Policy Framework (2019) (the Framework) which amongst other things expects development to be visually attractive as a result of good layout, sympathetic to local character including the surrounding built environment and maintain a strong sense of place.
13. In the Council's first reason for refusal it has referred to a conflict with policies of the London Plan (2016) but not named a specific policy. That version of the London Plan has been replaced by the London Plan (2021), and I have not been provided with any equivalent replacement policies by the Council.

Noise and disturbance

14. I am informed by the appellant there is no objection from UK Power Networks (UKPN) to the principle of the development and it would comply with guidance in respect of electromagnetic field and fire risk from the neighbouring substation. However, in the correspondence provided UKPN has highlighted the potential for future occupiers to complain about noise emissions. At my visit the substation emitted a buzzing noise that was consistently audible in proximity to it.
15. The proposed dwelling layout seeks to create a buffer zone to minimise main habitable space in closest proximity to the substation. Notwithstanding this, in particular the window of bedroom 3 and part of the garden would be in very close proximity to the substation. Even if the noise could not be heard in the dwelling when windows are closed, based upon what I witnessed the noise was of a constant tone and is highly likely to be audible from some of the garden, and internally from bedroom 3 when the window is open. This would be more noticeable in the evenings and night-time when background noise levels are likely to be lower. This would be likely to affect the useability of garden space for leisure and relaxation and the bedroom as a place of rest and sleep when there is a need to open a window for comfort.
16. The appellant's correspondence with UKPN highlights the potential for future noise complaints. I also note a reference to a distance of 10m between a

substation and residential properties. However, I have not been provided with information in respect of the substation noise levels and characteristics, or details of the appropriate noise standard to which the development should and could adhere. From the evidence before me I cannot be satisfied the occupiers of the development would not suffer harmful living conditions from noise and disturbance. Given the proximity of the source and nature of the harm, and the implications for future occupiers, I am not satisfied this matter could be dealt with satisfactorily by the appellant's suggestion of a planning condition.

17. For the reasons set out above, I cannot be certain the development would not result in harmful living conditions for future occupiers of the new dwelling, in conflict with paragraph 127 f) of the Framework. This requires that development creates places that promote health and well-being with a high standard of amenity for future occupiers.

Sustainable design and construction

18. The submitted sustainable design and construction statement advises amongst other things, the development would be built to achieve a 35% reduction in carbon dioxide emissions, to be achieved through maximising fabric energy efficiency, utilising low energy LED light bulbs, and exploring the potential to incorporate viable renewable energy sources within the development. Maximum daily water consumption would be 105L per person, per day, achieved through controlled fittings. The development would also include rainwater harvesting, space for 2 bicycles, and provision for recycling storage.
19. The appellant suggests it is questionable whether this matter should be a pre-determination matter, given the wording of Policy DMD49, the local validation list and other recent decisions. Policies CP4, CP20 and CP21 of the CS require new homes are sustainably built taking account of design and construction guidance, minimise energy and resource use, reduce carbon dioxide emissions and use renewable energy. I am advised Policy DMD49 has similar requirements. Based upon the evidence before me, it would be necessary to address such measures to ensure policy compliance. However, I share the appellant's view and I see no reason why such measures could not be adequately secured by a suitably worded planning condition for this proposal.
20. Consequently, subject to a suitably worded condition the development could make adequate provision for sustainable design and construction measures. Therefore, it would comply with Policies CP4, CP20 and CP21 of the CS, the most relevant provisions of which I have referred to above.
21. The Council's second reason for refusal refers to Policies CP22 and CP31 of the CS, and Policies DMD49, DMD50, DMD51, DMD53 and DMD55 of the DMD. However, I have not been provided with these policies. It also refers to policies of the London Plan (2016). However, this has now been replaced and I have not been provided with any equivalent replacement policies.

Sustainable urban drainage

22. Policy CP21 of the CS seeks to ensure that sustainable drainage measures are incorporated within new developments as a means to manage surface water run-off. There are no detailed sustainable drainage measures proposed in the application. It is understood that the Council's adviser on such matters objected to the application due to the absence of information in respect of

drainage. However, I have not been provided with a copy of this. At my visit there were no drainage issues visible on the site and the Council has not advised me of particular circumstances that merit the submission of a sustainable drainage strategy prior to the determination of this application.

23. I note appellant's reference to other developments which I am informed were the subject of planning conditions to secure drainage strategies. Given the scale of this development I see no reason why sustainable urban drainage requirements would not be capable of being accommodated within the appeal site and general layout. I share the appellant's view and I see no reason why such measures could not be secured by a suitably worded planning condition. Subject to this the development would comply with Policy CP21 of the CS, the relevant provisions of which I have referred to above.
24. The Council's third reason for refusal refers to Policy DMD61 of the DMD. However, I have not been provided with a copy of this policy. It also refers to policies of the London Plan (2016). However, this has now been replaced and I have not been provided with any equivalent replacement policies.

Other Matters

25. Concerns have been raised by a neighbouring occupier in respect of the effect of the development upon outlook and daylight, which it is suggested may have effects upon a health condition. Based upon the evidence before me, the proposed development would not result in any beneficial effects in this regard. Therefore, as I am dismissing the appeal for other reasons I have not investigated this matter further.

Planning Balance

26. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. The 2020 HDT results indicate the Council has only delivered 56% of required housing over the last 3 years. In accordance with paragraph 11d) of the Framework, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. The development would make a more efficient use of the site and it may be built out relatively quickly. It would provide a small social benefit of one dwelling in a relatively accessible location. However, this single dwelling would only make a very minor contribution to meeting local housing needs. There would be a small temporary economic benefit during construction, and some small on-going spend in the local economy once occupied. These benefits are small benefits, attracting limited weight.
28. Compliance with policies in respect of issues such as internal and external space standards, energy and resource efficiency, refuse and recycling storage, and cycle storage, would be neutral matters attracting neutral weight. However, the development would be significantly harmful to the character and appearance of the area, and I cannot be certain the development would not result in harmful living conditions for future occupiers from noise and disturbance. These are matters that attract significant weight against the development, and therefore the harm significantly and demonstrably outweighs

the benefits of the development when assessed against the policies of the Framework taken as a whole. Therefore, the appeal should not succeed.

Conclusion

29. The proposed development conflicts with the development plan and the Framework taken as a whole. There are no material considerations, including the policies of the Framework, 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