
Appeal Decision

Site visit made on 28 May 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2021

Appeal Ref: APP/Q5300/W/20/3266015

32 Waggon Road and land to the rear of 30 Waggon Road, Enfield EN4 0HL

- 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 & Mrs Julian and Daphne Clarke and Panayi against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/00646/FUL, dated 7 March 2019, was refused by notice dated 22 October 2020.
 - The development proposed is described as (1) the formation of a new private access road to the rear of the site and landscaping to gardens and grounds; (2) the replacement of one existing residential dwelling (no 32 Waggon Road) with another residential dwelling; and (3) the erection of three contemporary detached family homes with private gardens and separate garages.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since planning permission was refused the London Plan 2021 (LP) has been published. This post-dates the date of the Council's refusal notice and now forms part of the development plan for the area. It replaces the London Plan 2016 as referred to in the Council's refusal notice. I have taken into account the LP in respect of the determination of this appeal.

Main Issues

3. The Council's reasons for refusal relate to the effect of the development on the character and appearance of the area and reference is also made to the development being '*harmful to the amenity of neighbouring and nearby residents*'. I have considered the latter reason for refusal with reference to the Council's appeal statement. However, and even accounting for the Council's appeal statement, it is still not entirely clear what specific harm is alleged by the Council that would be caused to the occupiers of neighbouring dwellings. In this context and noting that there are a number of objections from other interested parties relating to living conditions matters, I have assessed the proposal against a number of focussed 'amenity' matters in terms of my main issues below.
4. Given the above, the main issues are the effect of the development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of neighbouring properties in respect of outlook, privacy, light, noise and disturbance.

Reasons

Character and appearance

5. It is proposed to demolish No 32 Waggon Road, which is a large detached dwelling positioned within a frontage of other detached properties, and to replace it with a new detached dwelling. Three detached dwellings and two pairs of semi-detached garages would be erected in part of the rear gardens of No's 30 and 32 Waggon Road and with a new access formed to them between the new dwelling at No 32 Waggon Road and the existing dwelling at No 30 Waggon Road. All four dwellings would be two storeys in height. There would be accommodation within the roof space in respect of the three dwellings which would be positioned in part of the rear garden areas of Nos 30 and 32 Waggon Road.
6. The appeal site forms part of a larger swathe of garden land positioned between Warner Close and Helena Close and which is characterised as being spacious, green, and predominantly undeveloped. The gardens associated with the large detached dwellings on this part of Waggon Road are long and spacious and overall the immediate area appears as a verdant and green buffer as it slopes down towards Monken Mead Brook. This is in direct contrast to the more built up development within the cul-de-sacs of Helena Close and Warner Close which are respectively positioned to the east and west of the otherwise more green and undeveloped land identified above.
7. I acknowledge that the proposed development would be positioned in close proximity to an existing swimming pool building associated with a neighbouring residential property. While this swimming pool building does take up a large footprint of land, it is nonetheless not as high or as dominant in the garden land setting when compared to the proposed three dwellings which would be positioned on rear garden land. Furthermore, the prevailing positive characteristic in terms of the immediate locality is one of very spacious and mainly undeveloped gardens set within a bosky environment, even accounting for the existence of the swimming pool building.
8. Reference has been made by the appellant to a planning application for back land housing development to the rear of No 20 Waggon Road. I do not have precise details about the status of this planning application or indeed whether dwellings could be built in this area. Either way, even if houses were capable of being built in this location, which is land further afield from the appeal site, it would not lead me to reach a different view as to the positive contribution that the site makes to the prevailing and essentially green and undeveloped buffer that exists in the immediate area.
9. I do acknowledge the appellant's comment that the proposed three dwellings would not be very visible from public views given the position of existing dwellings on Kingwell Road and Waggon Road, trees/vegetation close to the Moken Mead Brook and as a new dwelling would be erected in place of No 32 Waggon Road. However, the absence of public visibility does not in itself obviate the need to achieve well designed places. Indeed, paragraph 124 of the National Planning Policy Framework (the Framework) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities. The three

- dwellings would be conspicuous when seen from Nos 28, 30, 32 and 34 Waggon Road as well as by passers-by on Waggon Road, given the resultant wider gap that would be created between road frontage dwellings to facilitate the long and straight access road into the site.
10. A very large proportion of the site would be given over to an access road with a large turning head and four garages. This in itself would have a very harmful urbanising impact. In addition, the three dwellings would be of significant height and bulk in the context of this back land location and hence would fail to assimilate well into what is otherwise a more green and less developed location. Owing to the height and position of the three dwellings, they would appear as dominant and incongruous additions in the immediate setting, even accounting for the sloping nature of the land. The proposed garden areas associated with Nos 30 and 32 Waggon Road would be narrowed as a result of the formation of a new access road and would be considerably shorter than the gardens either side. Furthermore, the garages, car parking spaces and three dwellings would essentially be shoehorned into the bottom part of the appeal site. In this context, I do not consider that it could reasonably be argued that the proposal would be reflective of the immediate pattern of development.
 11. In addition, the three dwellings would be of considerable height and massing and would be positioned very tight up to the boundaries of the gardens associated with Nos 28 and 34 Waggon Road. Overall, the proposal would represent a very intensive form of built and engineered development at odds with the identified positive and distinctive characteristics of the area.
 12. I do not find that the proposed dwelling fronting Waggon Road would look out of place in the street-scene considering its design, height, and fenestration. This dwelling would be positioned so that its front and rear elevations deviate slightly from the building line of the existing property, but given the position of neighbouring houses this would not have a harmful design effect. However, and for the reasons outlined above, the development proposed in the rear garden areas of Nos 30 and 32 Waggon Road, to include significant amounts of access road / hard standing, the erection of four garages close to site boundaries, and the erection of three tall and cramped detached dwellings, would, when considered together, have the overall effect of significantly and unacceptably urbanising the area in what is otherwise a more green, spacious and undeveloped central belt of land between Waggon Road and Kingwell Road.
 13. For the collective reasons outlined above, I therefore find that when the proposal is considered as a whole, it would cause very significant harm to the character and appearance of the area. Indeed, it would constitute poor design and would not result in a better place in which to live for the community. I therefore conclude that the proposal would not accord with the design, character, and appearance requirements of policy CP30 of the Enfield Plan Core Strategy 2010; policies DMD6, DMD7, DMD8 and DMD37 of the Enfield Development Management Document 2014 (DMD); policies D3, D4 and D6 of the LP and chapter 12 of the Framework. The Council has referred to policies D1 and D2 of the LP but they are not directly relevant to this main issue as they relate to infrastructure capacity and the preparation of Area Assessments and development plans.

Living Conditions

14. As part of my site visit, I was able to carefully consider the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties.
15. The new dwelling at No 32 Waggon Road would be positioned further back into the site than the existing dwelling. Consequently, the two storey development would project further back from the main rear elevation of No 34 Waggon Road and would be relatively close to the shared boundary. I do not doubt that in this respect the replacement dwelling would be seen by the occupiers of this neighbouring property, particularly when viewed from the garden area. However, taking into account the fact that there is a single storey rear projection along this boundary, coupled with the separation distance between the side elevation of the new dwelling (including no windows) and the garden area of No 34 Waggon Road, I do not consider that this part of the development would cause significant harm to the occupiers of this property in respect of light, privacy or outlook.
16. Notwithstanding the above, I noticed on my site visit that in parts the boundary treatment between Nos 32 and 34 Waggon Road included relatively low vegetation. From the rear garden area of No 34 Waggon Road the proposed dwelling for plot No 2 would be very apparent, as would the proposed two garages which would be positioned tight up to the common boundary. There would undoubtedly be some overlooking of the garden area of No 34 Waggon Road from the first floor windows of the proposed dwelling for plot No 2. I find that this would be harmful given the very close proximity of this proposed dwelling to the garden of No 34 Waggon Road and taking into account the significant amount of higher level glazing to the front elevation. In combination with the proposed two garages, and taking into account the partly deciduous nature of the existing boundary treatment, I find that these parts of the development would have an unacceptably enclosing impact. Consequently, there would be some loss of outlook and privacy for the occupiers of No 34 Waggon Road when using the rear garden area.
17. In terms of the effect of the development on No 28 Waggon Road and the lower level dwellings/land at Nos 28-36 Kingwell Road, I have taken into account the quite considerable separation distances involved, the land level changes between sites and the existence of mature landscaping on boundaries and near to Moken Mead Brook. While it may be possible to see parts of the development from these areas, particularly when trees were without leaf, given the above factors I do not consider that the proposal would cause any significant harm to the living conditions of the occupiers of these properties in respect of light, privacy and outlook.
18. In respect of noise and disturbance, there can be no doubt that there would be a change to the area arising out of what would be a more intensive residential use of the site. Indeed, in relative terms there would be more comings and goings associated with the development proposal and hence there would likely be some increase in noise and disturbance. However, I do not consider that any material harm would be caused to the occupiers of neighbouring residential properties in this regard from a net three dwellings.
19. While the proposal would be acceptable in terms of its effect on neighbouring properties in respect of light, noise and disturbance, I nevertheless conclude

that the proposal would have a harmful effect on the enjoyment of the rear garden area of No 34 Waggon Road in respect of outlook and privacy. To this extent, the proposal would not accord with the amenity requirements of policy DMD8 of the DMD; policy D6 of the LP and paragraph 127(f) of the Framework.

Other Considerations

20. The Council has confirmed that it has been unable to meet the Housing Delivery Test (HDT). In this regard, paragraph 11d of the Framework is engaged and the aforementioned development plan policies are out of date.
21. In the context that the Council cannot meet its HDT, I afford positive weight to the delivery of a net three private market family dwellings in the area. Indeed, approval of planning permission would seek to boost the supply and choice of housing in the locality and there would be associated social and economic benefits arising out of construction of the dwellings, and of course from occupation of the properties. However, the positive weight that I afford to these matters is tempered to a degree as a result of the fact that only a net three dwellings are proposed.

Planning Balance and Conclusion

22. I have found that very significant harm would be caused to the character and appearance of the area and that, overall, the proposal would constitute poor design. In addition, some harm would be caused to the occupiers of No 34 Waggon Road in respect of outlook and privacy. There would be some benefits associated with the erection of a net three dwellings on the site from a construction employment point view, in terms of additional economic activity in the area and as a result of boosting the supply of houses in the locality when the HDT has not been met. However, I afford this matter only moderate weight in the overall planning balance taking into account the number of proposed dwellings.
23. On balance, I conclude that the very significant harm that would be caused by the development to the character and appearance of the area, and to the identified living conditions of the occupiers of No 34 Waggon Road, would not be significantly and demonstrably outweighed by the identified benefits of the proposal when assessed against the policies in the Framework taken as a whole. Furthermore, and given my conclusions on the main issues, there would also be conflict with development plan for the area. Consequently, the proposal would not deliver a sustainable form of development and hence the appeal should be dismissed.

D Hartley

INSPECTOR