



Appeal Decision

Site visit made on 1 June 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2021

Appeal Ref: APP/Q5300/W/20/3257405

2 Sarnesfield Road, Enfield, Middlesex EN2 6AS

- 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 S Chau against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/00709/FUL, dated 21 February 2020, was refused by notice dated 7 May 2020.
 - The development proposed is described as: 'conversion of property to form retention of reduced sized restaurant and self-contained flats together with new roof extension to form self-contained flat'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The London Plan 2021 (LonP) has been published by the Mayor during the course of this appeal, replacing the London Plan 2016. The LonP comprises the spatial development strategy for London and is now part of the development plan, to which I attribute full weight to its policies. I am required to determine this appeal on the basis of the development plan policies which are in force at the time of my decision. Both main parties were given the opportunity to comment on any implications for the appeal, although only comments from the appellant have been received.
3. Additionally, whilst not cited on the Council's decision notice, Policy CP21 of the Enfield Plan Core Strategy 2010 (CS) and Policy DMD 49 of the Council's Development Management Document 2014 (DMD) have been provided in the Council's Questionnaire. In this instance, I will not prejudice either party in taking the LonP, CS Policy CP21 or DMD Policy DMD 49 into account in the determination of this appeal.

Application for costs

4. An application for costs was made by Mr S Chau against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Main Issues

5. The main issues of this appeal are the effect of the proposed development on:
 - i. the character and appearance of the appeal site and Enfield Town Conservation Area (ETCA);

- ii. the living conditions of neighbouring occupiers, particularly those at No's 52A, 56A, 58A and 60A Church Street;
- iii. whether future occupiers would be provided with satisfactory living conditions;
- iv. whether the proposed development would be acceptable in terms of its transport and highways impacts, with particular regard to vehicular servicing, delivery, parking and bicycle provision; and,
- v. whether the proposed development would be acceptable in terms of climate change and drainage impacts.

Reasons

Character and appearance

6. The National Planning Policy Framework (the Framework) requires that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 192 of the Framework requires local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of development making a positive contribution to local character and distinctiveness.
7. The appeal site comprises a 2-storey building with a mixture of commercial and residential uses. The site is located within the ETCA, which was first designated as a Conservation Area in 1972, following the designation of Enfield Town Conservation Area, Gentleman's Row and its surroundings in 1968. The ETCA was then further extended in 1983 and 1984. The site is located within sub-character area A of the ETCA, known as The Town Centre. The significance of this part of the ETCA is that it is the heart of the ETCA, retaining a considerable evidence of its early origins in the layout of its spaces and its surviving buildings; views out provide an awareness from within the centre of its green setting; confident and substantial commercial buildings of the late 19th century form a series of landmarks; well-detailed upper floors of the shopping parades in Church Street have a unifying effect and the east side of London Road retains evidence of an attractive small-scale shopping street.
8. Sarnesfield Road runs south and is bounded on the west side by Library Green, but the east side is dominated by a service entrance to the Palace Garden shopping centre. This creates a notable gap in the street frontage, which the site is considered to emphasise in the ETCAA. The host building is listed as a neutral building in the Enfield Town Conservation Area Appraisal 2015 (ETCAA) and the ETCAA describes the host property as the sole remaining unit of a former mews to the late 19th century residential development. The front elevation of the host property facing Sarnesfield Road has a modern restaurant at ground floor and a painted brick façade with a Dutch gable above. The ETCAA goes on to describe the building previously retaining some evidence of its origins with a first-floor hayloft door, which has now been filled in with brickwork and the installation of an unsympathetic window.

9. The proposed development through its design and form, with particular regard to the creation of the second floor element over the flat roofed rear addition, would result in an incongruous addition that would dominate the host property, fundamentally altering its shape and unbalancing its form. The resulting significant adverse effect on the host property would be readily visible in the street scene to the detriment of the character and appearance of the surrounding ETCA.
10. Consequently, the proposed development would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of paragraph 196 of the Framework. To allow the proposal the resultant harm would need to be clearly outweighed. Additionally, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out that in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
11. The proposal would provide additional 5no. residential units to the existing 2-bedroom unit and would support works in bringing the commercial unit back into operation. However, in this instance, I find little public benefit associated with the proposed development that would outweigh the harm to the significance of the ETCA. The statutory duty in Section 72 of the Act is a matter of considerable importance and weight. On the details before me, I consider the proposed development fails to accord with this duty. My attention has been drawn to a historic planning application associated with the site¹, which was approved on 17 May 2010. However, there is little background information to this application, and I am not certain if it has been implemented. In any event, the description on this previous application does not indicate the addition of a second floor. Therefore, I do not consider the previous scheme to be directly comparable to the case before me or sufficient to alter my conclusion on this issue.
12. For the reasons given above, I therefore conclude that the proposed development would not preserve or enhance the character and appearance of the appeal site or the ETCA. This would be contrary to the heritage, design, character and appearance aims of LonP Policies D3, HC1.C, CS Policies CP30, CP31, DMD Policies DMD6, DMD8 and the requirements of the Framework.

Living conditions of neighbouring occupiers

13. The properties to the north of the site on Church Street have residential units located on the upper floors. Currently the side elevation of the 2-storey flat roof element of the host property facing the rear elevations of the properties on Church Street forms their rear boundary with some dividing yard walls also connecting to the host property. Due to the existing 3-storey building on Sarnesfield Road, which adjoins the host property, the area between the host property and the buildings on Church Street already experiences an element of enclosure.
14. Furthermore, the distance between the site and rear elevations of the buildings on Church Street is modest. Thus, on the limited evidence before me, I cannot be certain that the introduction of the proposed second floor to the host

¹ TP/10/0129

property would not adversely affect the living conditions of existing residents on Church Street, including their outlook.

15. For the reasons given above, I therefore conclude that the proposed development would significantly harm the living conditions of existing neighbouring occupiers. This would be contrary to the amenity aims of LonP Policy D3, CS Policy CP30, DMD Policies DMD8, DMD37 and the requirements of the Framework.

Living conditions of future occupiers

16. The proposed restaurant would be located on the ground floor of the host property. The existing extract duct would not serve the new kitchen that would be created for the restaurant, as it would be located further towards the front of the host property. Consequently, I find there are misgivings surrounding this issue due to the lack of detail submitted on this matter. Whilst a suitably worded condition could be imposed to prevent excessive noise from a future extraction system, I am not convinced that the issue of odour could be as readily addressed, given the proximity of the proposed residential units. Consequently, given my findings on the limited details before me, and the location of the site in the ETCA, I do not consider that otherwise unacceptable development could be made acceptable through the use of a planning condition in this instance.
17. All of the proposed studio flats have a Gross Internal Area (GIA) below the specified requirements, including those outlined in the LonP². Due to the physical constraints surrounding the site, some of the residential units would only have a single aspect, such as the 1-bedroom flat and the studio flat to the rear of the site on the first floor and the 2-bedroom flat on the second floor. Whilst the studio flat to the rear of the site at ground floor would have a dual aspect the window serving the kitchen areas would appear modest. However, there is uncertainty surrounding this window as it is not shown on the proposed elevations.
18. Given these observations and the level of detail provided, I am not satisfied that the proposed development would receive sufficient day/sunlight or provide reasonable outlook for its future occupiers. I have considered the security aspects of the proposed development and find that whilst there are misgivings in relation to defensible space around the host property, particularly surrounding the ground floor units, access would be through the adjacent service area to the neighbouring retail units on Church Street and in the shopping centre. Thus, there would be a reasonable amount of activity and natural surveillance, particularly during the daytime.
19. For the reasons given above, I therefore conclude that the proposed development would not provide satisfactory living conditions for future occupiers. This would be contrary to the amenity aims of LonP Policy D3, CS Policies CP4, CP30, DMD Policies DMD8, DMD10, DMD37 and the requirements of the Framework.
20. DMD Policy DMD11 has been cited by the Council on its decision notice. However, this policy appears to relate to residential extensions and on the basis of its wording, I find it is not directly applicable to the case before me.

² Table 3.1. p.127

Transport and highway impacts

21. The site lies in an area with a Public Transport Accessibility Level (PTAL) rating of 6a on a scale of 1 to 6 where 1a is the lowest level and 6b is the highest level of accessibility to public transport services. Adjacent to the building is a multi-storey car park, albeit pay and display. Streets surrounding the site are covered by a Controlled Parking Zone.
22. The appellant on their planning application has not identified that the proposed development would require any vehicle parking. The recent publication of the LonP has introduced new standards on this issue and the LonP has sought to further define residential parking requirements. LonP Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport. Additionally, LonP Policy T6.1 states that new residential development should not exceed the maximum parking standards. As the site is located in an area of PTAL 6a, the maximum standard in this instance is car-free.
23. The site is sustainably situated near to facilities and services, including public transport, so there would be little need for future residents to own a car. However, in reality they may still choose to do so. Nonetheless, in the absence of on-site parking or a reliable mechanism to ensure that occupiers of the development do not hold parking permits, I consider that the proposed development is unacceptable. The proposed development has little detail surrounding the servicing arrangements for the restaurant, the storage and collection of waste. Neither are any details before me surrounding the provision of a secure and convenient storage for bicycles. I note that the appeal site comprises the host property with no outside area identified on the submitted site plan. Accordingly, I find that a suitably worded condition could not be imposed in this instance, to ensure that otherwise unacceptable development could be made acceptable.
24. For the reasons given above, I therefore conclude that the proposed development would result in significantly harmful transport and highways impacts, with particular regard to vehicular servicing, delivery, parking and bicycle provision. This would be contrary to the transport and highway safety aims of LonP Policy T6, CS Policy CP25, DMD Policies DMD3, DMD30, DMD45, DMD47, DMD48 and the requirements of the Framework.

Climate change and drainage

25. CS Policy CP20 and CP21 seek to ensure all new developments, and where possible via retrofitting processing existing developments address the causes and effects of climate change by minimising energy usage; supplying energy efficiently; using energy generated from renewable sources, promote water conservation and reducing carbon emissions.
26. DMD Policies DMD49, 50 and 51 seeks sustainability in design and construction. DMD Policy DMD51 specifically requests an Energy Statement to accompany a Sustainable Design and Construction Statement. On the evidence before me such documents have not been received. Additionally, whilst noting the drainage and flood risk requirements of the development plan, the development will be contained within the existing footprint of the host building, albeit with a second-floor addition. In this instance, I have not been provided with substantive evidence to the contrary to suggest why these matters could

not be secured through a suitably worded planning condition. Accordingly, on this issue, I find that a suitably worded condition/conditions could be imposed, to ensure that otherwise unacceptable development could be made acceptable.

27. For the reasons given above, I therefore conclude that the proposed development would not result in any harmful climate change or drainage impacts. This would comply with the environmental aims of LonP Policies GG6, SI2, SI12, CS Policies CP20, CP21, CP28, DMD Policies DMD49, DMD50, DMD51, DMD59, DMD60, DMD61, DMD62 and the requirements of the Framework.

Other Matter

28. The appellant has raised concerns about the way the Council handled the application, but this does not go to the planning merits of the case. I have considered this appeal on its own merits and concluded that the proposed development would be unacceptable for the reasons set out above.

Planning Balance and Conclusion

29. Whilst I acknowledge the factors in favour of the proposed development, these considerations do not outweigh or overcome the harm that I have identified on the main issues. Consequently, the scheme would not accord with the development plan when considered as a whole and the evidence does not indicate a decision other than in accordance with the development plan would be justified.
30. For the reasons given above, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR