
Appeal Decision

Site visit made on 29 June 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/Q5300/W/21/3268760
110 Cockfosters Road, Enfield EN4 0DP

- 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 Jonathan Bennett against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/03717/FUL, dated 13 November 2020, was refused by notice dated 21 January 2021.
 - The development proposed is a two storey rear extension incorporating 1 self-contained flat at first floor and garage on ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, updated versions of both the London Plan (March 2021) (the LP) and the National Planning Policy Framework (July 2021) (the Framework) were published. The parties were provided with an opportunity to comment on the relevance of these, and I have taken any subsequent comments received into account in my consideration of this appeal.

Main Issues

3. The main issues are whether the proposal would:
 - provide suitable living conditions for future occupiers of the proposed dwelling with regards to outlook and light;
 - make adequate provision for secure, covered, convenient, and accessible cycle parking; and
 - make suitable provision for refuse and recycling storage and collection.

Reasons

Living Conditions

4. The appeal site comprises a three-storey building with a ground floor commercial unit and mixed uses above which fronts Station Road. To the rear, a yard with a single-storey garage backs onto a narrow service lane and is situated between two-storey extensions to either side. The proposal seeks to infill this area and erect a two-storey extension with a garage and storage area

to the ground floor and a studio flat above. The building line of the extension would align with those either side while a paved area would be retained to the front.

5. The proposed dwelling would be located on the first floor of the extension and would have rooflights, with windows facing the service lane. As such, views from within the studio flat would be limited to being upwards and over a narrow lane to the side elevation of an adjacent building. This would be restrictive, oppressive and thus unacceptably poor.
6. The Council has further concern regarding levels of light for the property given the predominantly eastern orientation. However, there would be several rooflights which would increase the amount of light entering the property, particularly towards the rear, which would supplement light entering through the windows to the front. As such I am satisfied there would be sufficient levels of natural light for future occupiers of the property.
7. Notwithstanding this, and for the reasons I have given, occupiers of the proposed dwelling would experience an unacceptably poor outlook. Such that the appeal scheme would not provide adequate living conditions for them. This would be contrary to Policies DMD8 and DMD37 of the Enfield Development Management Document (November 2014) (DMD), Policies CP4 and CP30 of the Enfield Plan Core Strategy (November 2010) (the CS) and Policy D6 of the LP. These seek, among other aims, to ensure new residential development preserves amenity in terms of outlook.
8. The proposed development would also conflict with Standard 29 of the London Plan Housing Supplementary Planning Guidance (the SPG) (adopted March 2016) which advises, amongst other things, that developments should minimise the number of single aspect dwellings, referring to harm of the like I have identified.

Cycle Parking

9. The submitted proposed plans show no detail regarding secure and convenient storage for bicycles, although the appellant states this could be accommodated within the garage at ground floor level. Standards set forth in Policy T5 of the LP require one space for this scale of development, which is not in dispute between the parties.
10. I note the appellant argues the agreement of these matters could have been secured by an appropriately worded condition for the submission of additional details for approval. Despite some doubt as to whether the development could accommodate suitable facilities for cycle parking, the Council has provided a suggested condition were the appeal to be allowed.
11. I am satisfied adequate provision for cycle parking is capable of being addressed through an appropriately worded condition given the available space in the garage. Accordingly, the proposal has the capability to provide suitable provision for the parking and storage of bicycles. This would accord with Policies DMD8, DMD45 and DMD47 of the DMD, Policies CP24 and CP30 of the CS and Policy T5 of the LP. These seek, among other aims, to secure the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

Refuse Storage and Collection

12. The submitted plans do not provide details as to where provision for refuse and recycling storage and collection could be accommodated. From my observations at the time of my site visit there were a number of commercial scale refuse bins, including at the appeal site, set along the access lane which has had a negative impact on the character and appearance of the area.
13. As with cycle parking, the appellant advises this could be located within the garage and that this matter could have been secured by an appropriately worded condition. The Council has provided a suggested condition on this basis and I would agree that a single, small additional dwelling would require a smaller bin than larger commercial examples in the area.
14. Accordingly, suitable provision for refuse and recycling storage and collection could be achieved on the site subject to the submission of further details. This would accord with Policies DMD8 and DMD47 of the DMD, Policies CP28 and CP30 of the CS and Policy D6 of the LP. These seek, among other aims, adequate, safe and functional provision for refuse collection.

Other Matters

15. The appellant has drawn my attention to other developments in the area. This includes an approved scheme at Bullsmoor Lane for 7 flats and 1 dwelling and 243 dwellings at the former Middlesex University Trent Park site. However, these developments would have had their own site-specific circumstances which led to their approval. While I would agree in general that consistency in decision making is important, it does not follow that this proposal should be approved on this basis. I have accordingly determined the appeal scheme on its own merits, having regard to its own individual context.
16. I acknowledge the appellant's concerns over the Council's handling of the application, including consistency in decision making. However, these matters do not alter my findings in which I have had regard to the planning merits of the proposal.

Planning Balance

17. The appellant's statement indicates that the Council has underdelivered against its housing requirement in its latest delivery test results. Although the evidence referred to is not before me, it has not been disputed by the Council. Consequently, I am taken to paragraph 11 (d) (ii) of the Framework where, along with the so-called tilted balance, the most important policies are deemed to be out of date.
18. I have found that the proposal would not provide suitable living conditions for future occupiers. This would conflict with paragraph 127 of the Framework. This harm and subsequent conflict would be significant and thus worthy of significant weight. Whilst all dwellings contribute to housing supply, in this case the delivery of one additional dwelling would only make a limited contribution. In terms of addressing the Council's housing supply shortfall, the proposal would therefore have a very limited effect. Accordingly, as would the equally limited scale of the benefits. The fact that there were no neighbour or third-party objections to the appeal proposal neither weighs in favour of, or against, the scheme.

19. Therefore, taking into account all these matters, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Consequently, the appeal scheme would not be sustainable development for which the presumption in favour applies.

Conclusion

20. The proposal would conflict with the development plan taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate the decision should be made other than in accordance with it. The appeal should therefore be dismissed.

C McDonagh

INSPECTOR