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# Appeal Decision

Site Visit made on 10 August 2021

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> October 2021**

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**Appeal Ref: APP/Q5300/W/21/3266693**

**Land to the rear of 15 & 17 Ashton Road, Enfield EN3 6DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
  - The appeal is made by Mr Kyriacou against the decision of the Council of the London Borough of Enfield.
  - The application Ref: 20/03025/FUL, dated 18 September 2020, was refused by notice dated 25 November 2020.
  - The development proposed is demolition of garages and outbuilding and sub-division of site and erection of a 2-storey block of 2 self-contained flats with associated cycle parking and amenity space.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description in the banner heading above is taken from the appeal form and decision notice in the interests of precision.
3. A new version of the London Plan (LP) was published in March 2021 and a new version of the National Planning Policy Framework (the Framework) was published in July 2021. These documents echo and reinforce the policies relevant to the main issues in this case. I shall determine the appeal on this basis.

## Main Issues

4. The main issues in this case are the effect of the proposal on:
  - The character and appearance of the area;
  - The living conditions of occupants of Nos 15 and 17 Ashton Road, with particular regard to outlook/sense of enclosure, privacy and security; and
  - The living conditions of future occupants of the proposed dwellings, with particular regard to outlook/sense of enclosure, privacy and security.

## Reasons

### *Character and appearance*

5. The appeal site is the end part of the rear gardens of a pair of semi-detached houses. Approximately one half of the site contains a pair of flat roofed

garages. A public footway, which provides a 'cut through' between Ashton Road and Park Road adjoins the eastern boundary of the site. The site's corner location adjacent to this public footway contributes to its prominence in the neighbourhood.

6. The host row of properties, which includes Nos 15 and 17 Ashton Road, comprises two-storey pairs of pitched roof, semi-detached dwellings with rendered walls. In the neighbourhood, residential buildings are typically two-storey, with some three-storey blocks and single storey extensions/garages adding to the mix. Pitched roof dwelling forms prevail and render and brick typically make up the mix of wall materials. The spacing between buildings, their front and rear garden spaces and the public realm together convey a sense of relative spaciousness on Ashton Road and Park Road. Consequently, the neighbourhood is characterised by a fairly traditional looking, mainly twentieth century suburban mix of houses and flats with some sense of spaciousness. These elements help define the area's local architectural pattern and distinctive character.
7. The proposed replacement of single storey garages with a two-storey apartment building in the rear gardens of Nos 15 and 17 would result in an atypically large proportion of dwelling mass, in relation to garden space, for the host row of dwellings. This would appear cramped and disrupt the neighbourhood's prevailing spatial balance. The intensification of residential accommodation and building mass, together with the relatively uncharacteristic modern, two-storey flat-roof building style at this relatively prominent corner location would further emphasise the proposal's discordance with the prevailing local architectural pattern and distinctiveness.
8. Furthermore, the proximity of the proposed building's eastern elevation to the public footway, and the proximity of its northern elevation to an open lawned area would result in an uncomfortable lack of defensible space between the residential accommodation and public realm. The proposed thin strip of box hedging in a planter, flush with the building facade, would provide minimal separation and be of questionable longevity, and thus not provide a reliable remedy to this discomfort.
9. In conclusion, the proposal would harm the character and appearance of the area. As such, it would conflict with Core Policy 30 of The Enfield Plan Core Strategy 2010-2025 (CS), and Policies DMD6, DMD7, DMD8, and DMD37 of the Enfield Development Management Document (DMD) and Policies D3 and D8 of the LP which together seek to ensure that development complements local character and reinforces local distinctiveness.

#### *Living conditions of occupants of Nos 15 and 17 Ashton Road*

10. The distance between the southern elevation of the proposed two-storey residential building and the rear elevations of the dwellings at Nos 15 and 17 Ashton Road would be between approximately 6.8m and 10.2m at ground floor and approximately 12.8m at first floor level. Given this proximity, the enlarged, heightened building bulk on the appeal site would interrupt the outlook from the rear elevations and gardens of Nos 15 and 17 Ashton Road, and contribute to an uncomfortable sense of enclosure for occupants of these dwellings. Also, overlooking from the proposed building's southern elevation would harm the privacy of occupants of Nos 15 and 17 Ashton Road.

11. To conclude, the proposal would harm the living conditions of occupants of Nos 15 and 17 Ashton Road, in terms of outlook, sense of enclosure and privacy. As such, it would conflict with Core Policy 30 of the CS, Policies DMD7, DMD8, DMD9, DMD10 and DMD37 of the DMD, and Policies D6 and D11 of the LP, which together seek to ensure that development is of appropriate quality to safeguard residents' living conditions.
12. Given that Nos 15 and 17 Ashton Road would continue to have, albeit revised, rear and side boundaries, it is not likely that the proposal would harm the security of these other dwellings.

#### *Living conditions of future occupants*

13. The proximity of the proposed building's western and southern elevations to what would be other dwellings' garden boundaries would limit outlook from the proposed building, and contribute to a sense of cramped enclosure for its future occupants.
14. The proposal would add living accommodation to this corner location, with associated additional surveillance of its environs including the adjacent public footway. Nevertheless, this would be tempered by the lack of substantive defensible space between the northern and eastern elevations of the proposed residential building and the public realm, which would result in a risk of disturbance and intrusion to the proposed building from the cut through and adjoining open grassed area. This would impair the privacy and security of future occupants of the proposed building. Given the relative narrowness of the proposed strip of planting with railing on the eastern boundary of the site, and the planting's uncertain future longevity, this treatment would not reliably address this concern.
15. I therefore conclude that the proposal would harm the living conditions of its future occupants in terms of outlook and enclosure, privacy and security. As such it would conflict with Core Policy 30 of the CS, and Policies DMD7, DMD8, DMD9, DMD10 and DMD37 of the DMD and Policies D6 and D11 of the LP, which together seek to ensure that development is of appropriate quality to safeguard residents' living conditions.

#### **Other Matters**

16. Other developments elsewhere in Enfield borough and beyond, including at No 41A Ashton Road, as cited by the appellant, do not alter the above specifics in this case or my consequent findings.
17. I appreciate the appellant's intention to contribute to local housing supply in the form of two one-bedroom flats, with relatively convenient access to local facilities and public transport, and associated socio-economic benefit during and after construction. The proposal would also bring fresh architectural energy and surveillance to this location. However, these benefits would be limited in scale.
18. The appellant states that the Council has 'failed to meet its key home target'. Even assuming, in the absence of more substantive evidence on this matter, a shortfall in housing supply to trigger the tilted balance<sup>1</sup>, I conclude that, given the totality of harm identified above, the adverse impacts of the proposed

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<sup>1</sup> As described in paragraph 11 of the Framework.

development would significantly and demonstrably outweigh the benefit of the proposal, when assessed against the policies in the Framework taken as a whole.

**Conclusion**

19. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

*William Cooper*

INSPECTOR