

Appeal Decision

Site visit made on 24 September 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Reference: APP/Q5300/W/21/3268844
56 Village Road, Enfield EN1 2EU

- 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 Rosemount Nursery against the decision of Enfield Council.
 - The application (reference 20/03218/FUL, dated 5 October 2020) was refused by notice dated 1 December 2020.
 - The development proposed is described in the application form as “change of use to a nursery on the ground floor and retention of the upper floors as ancillary residential accommodation”.
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Decision

1. The appeal is allowed and planning permission is granted for “change of use to a nursery on the ground floor and retention of the upper floors as ancillary residential accommodation”, at 56 Village Road, Enfield EN1 2EU, in accordance with the terms of the application (reference 20/03218/FUL, dated 5 October 2020), subject to the conditions that are set out in the attached Schedule of Conditions.

Main issues

2. There are four main issues in this appeal. The first concerns the need for nursery school accommodation and the need to retain residential floorspace. The second is the effect of the proposed development on the character and appearance of the host building and its surroundings. The third issue is whether the proposal for access at the rear of the plot would cause danger to users of the public highway. The fourth is whether the retained residential accommodation would be provided with adequate amenity space.

Reasons

3. The appeal site is located in an extensive residential area of Enfield, where the locality is characterised by substantial houses on relatively large plots. A main through road, the A105, runs through the area, carrying substantial traffic flows and providing public transport links by bus towards Enfield town centre. Overground railway stations are located in Enfield town centre (to the north) and Bush Hill Park (to the east).

4. The appeal site is located some distance away from the urban centre of Enfield, at a point where Village Road and Park Avenue cross each other, from which point the A105 follows Village Road southwards and Park Avenue northwards. The site has a primary frontage to Village Road and a side boundary along Park Avenue, where it is less busy.
5. Number 56 Village Road itself is a very large house on a large corner plot. The first and second floors have eight bedrooms, with other rooms on the ground floor also described as "bedrooms" on the floor plan. The main building also includes a more or less self-contained guest suite and at the rear of the site there is a separate small outbuilding which also provides residential accommodation. Indeed, it is asserted that the appeal site may have been used as a house in multiple occupation in the past, though documentary evidence is currently lacking.
6. The main house is designed in a traditional style, of brickwork with mixed hipped and gabled roofs. Although it is larger than others in the vicinity, it is attractive in itself and is in harmony with the streetscene. It has a relatively large rear garden, well tended and divided into different sections, with mature planting. The rear part of the site contains a garage building in addition to the outbuilding referred to above. The majority of the front garden is hard surfaced but it includes some trees and other landscaping and makes a contribution to the leafy character of the surroundings.
7. It is now proposed that the use of the ground floor of the house should be changed to create a nursery, while the upper floors would be retained as ancillary residential accommodation.
8. Planning policies are aimed at promoting sustainable development (including by ensuring that development takes place in suitable locations) and achieving good standards of architectural design in the broadest sense. Development Plan Policies in 'The London Plan', the 'Enfield Plan Core Strategy 2010-2025' (adopted in November 2010) and the 'Improving Enfield Development Management Document' (adopted in November 2014) are especially important, in relation to the different main issues.
9. Policy DMD4 in the 'Improving Enfield Development Management Document' is particularly relevant to the first main issue, while Policies DMD45-48 relate to highway considerations. Other issues raise more general design considerations. Policies CP4 and CP30 in the 'Enfield Plan Core Strategy 2010-2025' are particularly relevant to design issues, as are Policies DMD4, DMD5, DMD6, DMD8, DMD9 and DMD37 in the 'Improving Enfield Development Management Document'.
10. Similarly, policies in 'The London Plan' and national planning policies (as set out in the 'National Planning Policy Framework') also emphasise the importance of promoting safe and sustainable development and achieving good design. They make it plain that new development is to be well designed and sympathetic to its surroundings and the recent revisions to the 'National Planning Policy Framework') do not fundamentally affect these basic planning principles in the context of this appeal.
11. The first reason for refusal in the decision notice draws attention to Policy DMD4 of the 'Development Management Document'. Policy DMD4 is intended

to resist the proposed loss of existing residential accommodation, subject to certain provisos. For example, an exception is made in the case of a community facility, "where a specific need has been identified, and no alternative locations are available". In this case, clear evidence has been given regarding the need for nursery school facilities in the area and I accept that a specific need for the proposed nursery school has been identified, notwithstanding the existence of a nursery school associated with St Stephen's Church, nearby.

12. Moreover, I am also convinced that it would be desirable for such a school to be closely related to the residential areas where its pupils live rather than in a "centre" or "edge-of-centre" location, as suggested, which could lead to longer travel times for small children. Nevertheless, the location does enjoy reasonable accessibility, being on a main road.
13. In the specific location at Village Road, the surroundings are primarily residential in nature, although there are some non-residential uses in the vicinity, including the Church and a nearby health centre. The site is a corner plot that has only a limited impact on immediate neighbours and even this could be mitigated by the imposition of conditions to control boundary treatment and to define the hours of operation and number of pupils for the school.
14. In any case, I am conscious that a significant residential use would be retained on the upper floors of the property and that the existing building is an unusually large house on a large plot, giving rise to a potential for a more complex or specialised use.
15. In short, I am persuaded that the site would help to meet a real need for nursery school accommodation and that the location is appropriate, both in its relationship to its wider catchment and in its impact on immediate neighbours. I am not convinced that any significantly better location could be available. In addition, some residential use of the site would be retained. Thus, the proposed change of use would comply with Policy DMD4 of the 'Development Management Document'.
16. Turning to the second main issue, I have already concluded that the location is suited to the proposed use, in preference to "a local/town/edge of centre location", since it would be more immediately accessible for pupils, while the scheme would involve only limited changes to the exterior of the building (which would be carried out to match the existing materials). In this location, a nursery school would not be an alien form of development, especially in the context of other non-residential uses, nearby, and bearing in mind its very limited impact on immediate neighbours.
17. It is acknowledged that a suitable condition relating to boundary treatment would be necessary and reasonable (although it is unnecessary to specify the details of the fence in the condition, leaving some flexibility in design). Subject to such a condition, I have formed the opinion that the proposed development would not have an undue effect on the character or appearance of the host building and its surroundings.
18. The third main issue concerns the safety of the proposed access at the rear of the site, into Park Avenue and the convenience of the layout. Here, there is a

wide highway verge, planted with trees and shrubbery, and Park Avenue is quieter than Village Road. It has been pointed out that inward opening gates could give rise to practical problems in connection with the nursery school but it has been proposed that the existing access could be improved.

19. An alternative layout for this entrance area, involving the use of folding or sliding gates and showing, for example, how refuse storage and cycle storage would be accessed, would overcome any objections and I am convinced that a scheme can be devised that would be practical and would also obviate any danger to pedestrians or to vehicular traffic on the highway. This, too, could be made the subject of a suitable condition that would overcome any real concerns.
20. The fourth main issue in this appeal is related to the provision of amenity space to serve the retained residential unit on the upper floors of the existing house. It has been explained in the submissions that the residential accommodation would be closely linked to the nursery school itself and the proposed layout drawings also make this clear. The link could, of course, be positively confirmed by the imposition of a condition.
21. Accepting that the nursery school and the residential accommodation would be closely interrelated in the manner envisaged, I am also persuaded that the garden could be shared between the nursery and the dwelling, in practice. Residents on the upper floors would have access to a relatively large garden area and would enjoy the use of the garden outside school hours and during weekends and holidays, in accordance with the hours of operation that have been proposed by the appellant. I am convinced, therefore, that the scheme would provide adequate provision of amenity space for residents and would effectively comply with planning policy requirements, including Policy DMD9 of the 'Development Management Document'.
22. To summarise, I have concluded that the scheme would provide nursery school accommodation for which the need has been demonstrated, in a suitable location. It would not harm the character or appearance of the host building and its surroundings (subject to conditions) and it would not cause an unacceptable loss of residential floorspace in all the circumstances. The access at the rear of the site could be modified, to provide a practical and safe layout, again subject to a suitable condition. Similarly, conditions would be needed to clarify the link between the residential accommodation and the proposed nursery school but, subject to that, the occupiers of the accommodation would have the benefit of a more than adequate garden space.
23. Thus, I have concluded that the project would be acceptable in planning terms and that it would not be in conflict with national planning policies or the Development Plan, in principle. In short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
24. I have, however, also considered the need for conditions. Conditions are necessary, to define the planning permission and to ensure that quality is maintained, while other conditions deal with matters identified elsewhere in this Decision.

25. Further, conditions have been suggested in the representations, including conditions to define the school's operation more closely and to require physical alterations to the fabric of the building, but I do not find them to be necessary or reasonable in the circumstances.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - unnumbered Ordnance Survey site plan (1:1250);
 - unnumbered Ordnance Survey block plan (1:500);
 - drawing number 1587-EPL/01 (Existing Ground Floor);
 - drawing number 1587-EPL/02 (Existing Plans);
 - drawing number 1587-PL/01 (Proposed Nursery Plan Ground Floor);
 - drawing number 1587-PL/02 (Existing and Proposed Plans);
 - drawing number 1587-PL/03 (Existing Front and Rear Elevations);
 - drawing number 1587-PL/04 (Existing and Proposed Elevations);
 - drawing number 1587-PL/05 (Existing Roof Plan, Site Plan);
 - drawing number 1587-PL/06 (Proposed Parking, Bin and Cycle Store);
 - drawing number 1587-PL/07 (Location Plan);
 - drawing number 1587-PL/08 (Proposed Nursery's Kitchen Layout).
3. The materials to be used in any external alterations to the building carried out as part of the development hereby permitted shall match those used in the existing building.
4. Prior to first use of the nursery school that is hereby permitted, a detailed scheme for the rear access to the site from Park Avenue shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials.
5. Prior to first use of the nursery school that is hereby permitted, a detailed scheme for the boundary treatment of the site shall have been submitted to and approved in writing by the local planning authority. The boundary treatment shall incorporate an acoustic close boarded timber fence on the boundaries with neighbouring residential properties. The development shall be carried out in accordance with the approved details, using the approved materials.
6. No part of the residential accommodation at the appeal site shall be used otherwise than in association with the nursery school hereby permitted and there shall be no subdivision of the planning unit, by sale, agreement or in any other way.
7. The nursery school that is hereby permitted shall not operate outside the hours of 0730 to 1830 on Mondays to Fridays and shall not operate at all on Saturdays, Sundays or Bank Holidays.
8. The number of pupils at the nursery school that is hereby permitted shall not exceed 30 at any one time.