



Appeal Decision

Site visit made on 8 November 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2021

Appeal Ref: APP/Q5300/W/21/3273868

Broyle Gate, 17 Quakers Walk, Southgate, London N21 2DE

- 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 Bowrey against the decision of the London Borough of Enfield.
 - The application Ref 19/04269/FUL, dated 12 December 2019, was refused by notice dated 11 February 2021.
 - The development proposed is the erection of new dwelling including new access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling including new access at Broyle Gate, 17 Quakers Walk, Southgate, London N21 2DE in accordance with the terms of the application, Ref 19/04269/FUL, dated 12 December 2019, and subject to the conditions in the attached schedule.

Preliminary Matter

2. The London Plan 2021 was adopted in March 2021. It supersedes the former London Plan, whose Policy 3.5 (referenced in the reason for refusal) has now been superseded and is no longer a material consideration.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Quakers Walk is a single width road serving a number of large, detached dwellings lying between the rear gardens of houses fronting Bush Hill and The Orchard. The dwellings are of different designs and materials, being progressively set back further from the road as one moves southwards together with an increasing preponderance of trees and shrubbery above boundary walls and fences. The opposite side of Quakers Walk is lined by domestic garages and rear garden walls and fences to properties fronting The Orchard.
5. The current property reflects this character, with the existing dwelling set back on the plot, partially screened by the boundary fence and the trees and shrubbery that grow above it. It is larger than other plots in Quakers Walk such that its subdivision to form the appeal site would result in two plots that would still be comparable in size to others in the road and would retain an adequate

amount of garden space for both in accordance with Policy DMD 7 of the Enfield Development Management Document 2014.

6. The proposed dwelling would be set back along a similar line and with a similar orientation to the other dwellings in Quakers Walk. It would span across most of the plot, but with sufficient space at the side to visually separate it from the host dwelling. Greater spacing would remain on its other side, because of the garden to The Tower at 15 Quakers Walk. The general size and spacing of the proposed dwelling would not be dissimilar to other buildings in Quakers Walk, in particular the newer dwellings at the northern end of the road.
7. Views of the site would be more open than at present because of the formation of a new access drive and the removal of some of the trees on the site. However, a large horse chestnut tree close to the road frontage would remain, as would other protected trees in the retained garden of the host dwelling. These, together with the proposed gate and remaining fence and hedge would maintain the sense of enclosure along Quakers Walk, with only glimpsed views of the dwelling beyond.
8. The proposed dwelling has been designed in a modernist style with a flat roof, asymmetric geometric form, large openings and lack of ornament. This would depart from the more traditional, brick and tile, pitched roof form of buildings elsewhere in the road. However, there is considerable variation even within these more traditional building forms with differing designs, materials and fenestration giving a varied appearance. There are also dwellings that are markedly different, such as the converted water tower at 15 Quakers Walk, and the white rendered, green tiled, arts and crafts influenced design at Four Winds.
9. Within this context, I consider the introduction of a modernist design would not appear incongruous as argued by the Council, but rather would contribute to the varied character and appearance of buildings in the area and add interest to the street scene. While I acknowledge that the aesthetic value of the proposal is to an extent a subjective matter, because of its position set back from the road frontage, the retention of greenery, and similarity in size and orientation to other dwellings I am satisfied that it would not appear discordant or out of scale with its surroundings.
10. I conclude that the addition of a new building design in what is already a varied street scene would not harm the character and appearance of the area. It would therefore comply with Policy CP30 of the Enfield Plan Core Strategy 2010-2025, Policies DMD 6, 7, 8 and 37 of the Enfield Development Management Plan 2014 and Policy D4 of The London Plan 2021, which collectively seek high quality design that is appropriate to the existing pattern of development.

Other Matters

11. The adjacent former water tower, now converted to a dwelling, is grade II listed because of its historical significance. The proposed dwelling would not intrude into the garden of the listed building, and being set back would not impinge in public views of it. I am satisfied that the development would not adversely affect the setting of the listed building.

12. The Council considers that the existing dwelling at 17 Quakers Walk is a non-designated heritage asset because it is a good example of an arts and crafts inspired, half-timbered design. The proposed development would significantly reduce the size of the garden of the host dwelling but would not interrupt views of it from Quakers Walk. While a pleasing building to look at it is of modest value in historical and architectural terms and the harm to its significance is therefore limited. The benefits of providing an additional dwelling outweigh any such harm.
13. The proposed dwelling would have first floor windows in its rear elevation that would look towards dwellings in Bush Hill. However, the separation distance between them would be sufficient to avoid an unacceptable degree of overlooking or light spill between the dwellings. The potential for unacceptable overlooking from side facing windows can be overcome by the imposition of a condition.
14. The development would result in the loss of several trees, including a large willow in the front garden. However, none of these are protected by a tree preservation order, which relates only to the trees along the frontage. These trees would be retained, with protective works carried out on the proposed access drive to prevent root damage to the nearest horse chestnut tree. The retention of these trees, together with garden areas sufficient in size to accommodate normal domestic planting would retain the verdant nature of this end of Quakers Walk.
15. The Council has raised no objection to the proposed parking arrangements, and I see no reason to do so either. The future occupants of the proposed dwelling is not a material planning consideration in this appeal.

Conditions

16. I have considered the conditions suggested by the Council and imposed them where they meet the tests set out in paragraph 56 of the National Planning Policy Framework. I have avoided the use of pre-commencement conditions through rewording in accordance with the advice in the Framework. Other conditions have been subject to rewording where necessary in the interests of clarity and accuracy. They have been reordered in accordance with the advice in the Planning Practice Guidance.
17. In addition to the standard time limit condition, a condition listing the approved plans is necessary in the interests of certainty.
18. A condition requiring surface water drainage is necessary to avoid the risk of on or off-site surface water flooding. Conditions requiring tree protection during construction and within the root protection area of the nearest horse chestnut tree are necessary to avoid damage to trees to be retained on the site. The latter has been referenced to the approved driveway bridge details.
19. Conditions requiring approval of external materials and landscaping are necessary in the interests of the appearance and character of the area. Suggested conditions relating to hard and soft landscaping, ecological enhancement and boundary treatments have been combined into one condition for simplicity and to avoid repetition.

20. Conditions imposing water consumption efficiency, energy efficiency, and accessibility standards are necessary to meet improved resource standards in accordance with local policy requirements.
21. Conditions requiring the use of obscured glazing are necessary to prevent unacceptable overlooking between dwellings. I have added a condition requiring obscured glazing in certain side-facing windows on the host dwelling to reflect the proposed scheme as shown on the approved plans.
22. Conditions requiring approval of details for refuse and cycle storage are necessary in the interests of future occupiers and to ensure these facilities are provided as part of the development.
23. I have not imposed conditions that restrict national permitted development rights for domestic alterations or additions because there is no clear justification to do so. I have not imposed a condition requiring the developer to achieve certification under a considerate constructor's scheme as that would make the development dependent on another regime which would be unreasonable.

Conclusion

24. I conclude that the development would accord with the development plan when taken as a whole, and that there are no material considerations which suggest otherwise. Consequently, I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1836_000: Location Plan
 - 1836_001: Existing Site Plan
 - 1836_002: Existing Floor Plans (Broyle Gate)
 - 1836_003: Existing Floor Plans (Broyle Gate)
 - 1836_004: Existing Elevations (Broyle Gate)
 - 1836_005: Existing Elevations (Broyle Gate)
 - 1836_006: Existing Street Scene
 - 1836_200 Rev A: Revised Proposed Site Plan
 - 1836_300: Proposed Ground Floor Plan
 - 1836_301: Proposed Basement Plan
 - 1836_302: Proposed First Floor Plan
 - 1836_400: Proposed Elevations
 - 1836_401: Proposed Elevations
 - 1836_402: Proposed Side Elevation (Broyle Gate)
 - 1836_403: Proposed Street Scene and Photos
 - 1836_500: Proposed Section
 - 20-CE-152 010 Rev P1: Driveway Bridge

OS 1483-17.2 Rev A: Tree Protection Plan

- 3) Prior to the commencement of any works above ground level for the development hereby permitted, a drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with DMD Policy SuDS requirements. The approved sustainable drainage system shall be installed prior to occupation of the dwelling hereby permitted and thereafter retained.
- 4) Prior to any works for construction of the development hereby permitted in the vicinity of trees to be retained on the site, the construction and tree protection measures described in the Arboricultural Impact Assessment by Open Spaces Landscape Architects dated November 2019 shall be installed under the supervision of an arboriculturist. The approved protection measures shall be retained in place for the duration of the construction of the development hereby permitted.
- 5) Prior to any ground works associated with the construction of the access, driveway, parking or turning area the bridge protection measures shown on drawing no. 20-CE-152 010 Rev P1 shall be installed under the supervision of a professional arboriculturist. The approved bridge protection measures shall be retained thereafter.
- 6) Prior to the commencement of any works above ground level for the development hereby permitted, samples of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.
- 7) Prior to the commencement of any works above ground level for the development hereby permitted, details of hard and soft landscaping to include means of enclosure and ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority. The hard and soft landscaping shall be carried out in accordance with the approved details no later than the first planting season after occupation of the dwelling hereby permitted. Any planting which dies or becomes severely damaged or diseased within 5 years of planting shall be replaced with new planting in accordance with the approved details.
- 8) Prior to the commencement of any works above ground level for the development hereby permitted, details of how the development will comply with the provision of Building Regulations (2010) Access to and Use of Buildings, Volume 1: Dwellings, Section M4(2) Category 2: Accessible and Adaptable Dwellings (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9) Prior to the commencement of any works above ground level for the development hereby permitted, details of measures for reducing water consumption equal or less than 105 litres per person per day shall be

submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to occupation of the dwelling hereby permitted and retained thereafter.

- 10) Prior to commencement of any works above ground level for the development hereby permitted, details of how a target emission rate improvement of 35% over Part L of the Building Regulations 2013 will be achieved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11) The dwelling hereby permitted shall not be occupied until the side-facing, first floor windows in the permitted dwelling have been fitted with obscured glazing and no part of those windows that is less than 1.7m above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall be retained thereafter.
- 12) The development hereby permitted shall not be occupied until side facing windows in the host dwelling have been fitted with obscured glazing as shown on plan 1836_402: Proposed Side Elevation (Broyle Gate). The obscured glazing shall be retained thereafter.
- 13) Prior to occupation of the dwelling hereby permitted, details of refuse and recycling storage facilities in accordance with the London Borough of Enfield Waste and Recycling Storage Planning Guidance EN20/V2 shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before occupation of the dwelling hereby permitted and retained thereafter.
- 14) Prior to occupation of the dwelling hereby permitted, details of secure and covered cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed prior to occupation of the dwelling hereby permitted and thereafter retained.

*****End of Conditions*****