



Appeal Decision

Site visit made on 24 January 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/Q5300/W/21/3283065

Land Rear of 26-29 Hardy Way, Enfield, EN2 8NW

- 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 A Halil against the decision of London Borough of Enfield.
 - The application Ref 21/01966/FUL, dated 14 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is described as "Erection of a dwellinghouse (Revised Application)."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to a 2019 appeal decision relating to a proposed dwellinghouse on this site. This decision is a material consideration in my assessment of the proposed development, but I have determined this appeal on its own merits.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring occupiers, in particular the flats at 26-29 Hardy Way.

Reasons

4. The appeal site lies to the rear of the flats at 26-29 Hardy Way. The separation distance between the rear elevation of the flats and the proposed house would be 9 metres. Policy DMD 10 of the Development Management Document 2014 (the DMD) seeks a minimum distance between windows and side boundaries of 11 metres, and states that development below these standards will only be permitted if it does not compromise development on adjoining sites.
5. The massing of the proposed dwelling has been reduced from the scheme dismissed on appeal in 2019 and its two-storey element would be set towards the front of the house so would be offset from the rear windows of the flats. However, the height of the proposed house and its proximity to the boundary would result in it appearing dominant and overbearing when seen from the flats and from the garden area to their rear.
6. The appeal site lies to the west of the flats, and the two-storey element of the proposed house would be to their northwest. The impact on natural light to the occupiers of the flats would therefore be limited. The lack of harm on this point is a neutral consideration in determining this appeal.

7. The proposed development would overall cause unacceptable harm to the living conditions of the neighbouring occupiers at 26-29 Hardy Way. It would therefore conflict with Policies DMD 10 and DMD 37 the DMD, Core Policy 30 of the Core Strategy 2010 and Policy D4 of the London Plan. In addition to the identified requirement of Policy DMD 10, these policies collectively seek developments of high quality having special regard to their context.

Planning Balance

8. The development would create one new house providing a good standard of accommodation for its future occupiers in a sustainable location. This would support the Government's objective of significantly boosting the supply of homes. The appeal site is small, and the development could be delivered quickly. The National Planning Policy Framework supports the reuse of previously developed land.
9. However, the harm to the living conditions of the neighbouring occupiers would outweigh the limited benefits arising from creation of a single new dwelling. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

10. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR