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# 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: 15<sup>th</sup> February 2022**

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**Appeal Ref: APP/Q5300/W/21/3280451**

**51 Hadley Way, Southgate, London, N21 1AL**

- 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 Terri Green against the decision of London Borough of Enfield.
  - The application Ref 21/01250/FUL, dated 1 April 2021, was refused by notice dated 23 June 2021.
  - The development proposed is the change of use from outbuilding to a one bedroom flat (C3 Use).
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect of the proposed development on the character of the area,
  - Whether it would provide acceptable living conditions for future occupiers,
  - Whether it would make acceptable provision for cycle parking; and,
  - Whether it would make acceptable provision for the storage of refuse and recycling.

## Reasons

### *Character and appearance*

3. Properties on Hadley Way in the vicinity of the appeal site have long rear gardens. Nos 51 and 53 have substantial outbuildings in their rear gardens, but otherwise there are no similarly sized outbuildings in the immediate surroundings. The subdivision of the garden to create a separate residential unit would result in two plots significantly smaller than any neighbouring sites.
4. While the building already exists and no material change would be made to its appearance, the separation from the host dwelling would be a material change in the character of the site that would be out of keeping with the existing pattern of development in the area. This would be visible from surrounding properties.
5. The appeal proposal would therefore be harmful to the character of the area. It would consequently conflict with Policies D3 and D4 of the London Plan 2021 (the LP), Core Policy 30 of the Core Strategy 2010 (the CS) and Policies DMD 6, DMD 7, DMD 8 and DMD 37 of the Development Management

Document 2014 (the DMD). Taken together these policies require that development be of high quality, respond to the existing character of a place and pattern of development and that development of garden land not harm the character of the area.

### *Living conditions*

6. Two outdoor spaces would be provided for the occupiers of the proposed dwelling. A small courtyard area outside the bedroom would provide a private area not overlooked by neighbouring occupiers. The larger area between the building and No 51 would be directly overlooked by the occupiers of the facing properties on Hadley Way, especially the raised patio area. Even with a fence or similar boundary treatment between the building and No 51 there would still be limited privacy for users of this area. However, in an urban environment some degree of overlooking is typical between properties. Having regard to the two outdoor areas, on balance the development would provide acceptable living conditions for future occupiers.
7. The main living area has a folding patio door facing towards No 51. Additional light to the interior of the main living area is provided by the large rooflight, and overall there is an acceptable level of natural light to the interior of the building. Outlook from the window is towards the rear of houses on Hadley Way. As the building is located at the end of the garden and in an elevated position relative to these houses, there would be acceptable outlook from the property.
8. The development would therefore provide acceptable living conditions for future occupiers. It would accord with Policies D3 and D6 of the LP, Core Policy 4 of the CS and Policies DMD 8, DMD 9 and DMD 37 of the DMD and the London Housing Supplementary Planning Guidance 2012. Collectively these require that residential development provide good quality private amenity space that is not significantly overlooked by surrounding development and that it provide a well-designed, flexible and functional layout.

### *Cycle parking*

9. The building is served by a driveway leading onto Green Dragon Lane. This driveway provides space to park one car, as well as space to provide secure cycle parking. This could be secured by an appropriately worded condition, if I were otherwise minded to allow the appeal. Bicycles could also be kept in the courtyard or patio areas, although this would be less convenient as they would require taking bicycles through the building.
10. The appeal proposal would therefore comply with the criteria of Policy T5 of the LP, Core Policies 4 and 25 of the CS and Policies DMD 8 and DMD 47 of the DMD. Collectively these require that development provide appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

### *Refuse and recycling storage*

11. The driveway serving the building would also provide adequate space for the storage and collection of refuse and recycling bins. The proposed development would therefore accord with Policies DMD 8 and DMD 47 of the DMD. Taken together these require that development make adequate, safe and functional provision for refuse collection.

### *Other Matters*

12. My attention has been drawn to other examples of residential development in the borough. However, very limited details of these have been provided including when permission was granted, and against which policies the proposals were assessed. I am therefore not able to give significant weight to these approvals in the determination of this appeal.
13. The Council referred to Policy SI 7 of the LP and Policy DMD 45 of the DMD in its reasons for refusal, but as I have not been provided with copies of these policies, they are not determinative in my consideration of this appeal. It also referred to Core Policies 25 and 28 of the CS in relation to the refuse and recycling storage reason for refusal. These policies relate to the provision of pedestrian and cycle routes, and the management of flood risk respectively and so are not relevant to my consideration of this issue.

### *Planning Balance*

14. The proposed development would create one new dwelling providing a standard of accommodation that would meet the Council's standards. It would support the Government's objective of significantly boosting the supply of homes and would add to the mix of housing in the borough. There is no evidence before me to suggest that the Council cannot demonstrate a five year supply of housing land, or has a shortfall in its housing delivery, but this does not diminish the value of new housing. The site is in an existing residential location near to public transport and existing services and facilities, and the development would involve the re-use of an existing building.
15. Set against these benefits, the development would result in harm to the character of the area as there are no other examples of subdivided plots in the immediate vicinity of the site. As the building already exists, this harm attracts moderate weight in the overall balance. However, the benefits of a single new dwelling are limited and would not, in this instance, outweigh the harm that would result from the proposed development.
16. There are therefore no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.

### **Conclusion**

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

*M Chalk*

INSPECTOR