



Appeal Decision

Site visit made on 15 February 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Appeal Ref: APP/Q5300/W/21/3282180

78 Windmill Road, Edmonton N18 1LN

- 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 Bard against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02224/FUL, dated 6 June 2021, was refused by notice dated 6 August 2021.
 - The development proposed is subdivision of site and erection of an end-of-terrace 2-storey 3 bedroom dwelling house with refuse and recycling bins.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In an attempt to address some of the Council's concerns with the planning application, amended plans have been submitted with the appeal. These seek permission for larger rooflights than the ones proposed for the application. In addition, the plans propose the removal of an outbuilding to the rear of No 78 that was shown to be retained on the plans on which the Council based its decision. The plans also show that a patio and planter is currently located to the rear of the site.
3. It is important that the scheme that I consider is essentially that which has been considered by the Council and on which interested parties' views have been sought. To do otherwise could be prejudicial to the positions of the Council and interested parties. The larger rooflights would be visible from both Windmill Road and Orpington Gardens and the removal of the outbuilding is not specified in the description of the proposal. I cannot be sure that these changes have been considered by all interested parties. Furthermore, interested parties may not have commented on the application if they were content with it as submitted and thus will be unaware of the changes. I have not taken the amended plans into account as a result.

Main Issues

4. The main issues are: (i) the effect of the proposal on the character and appearance of the area; (ii) whether the proposal would provide a satisfactory standard of living accommodation for future users of the bedroom in the roof space in respect of daylight, sunlight and outlook; and (iii) whether the proposal would be satisfactory in respect of flood risk from surface water and make adequate provision for sustainable drainage.

Reasons

Character and appearance

5. The site is located adjacent to a junction between Windmill Road and Orpington Gardens. It features a semi-detached house which has a front and rear garden and land to its side. The house has distinctive architectural features including bay windows at ground and first floor levels with a parapet element above them. Although differing in some respects, many of its features are mirrored by the adjoining house at 80 Windmill Road.
6. The pair of houses form part of a row of 4 pairs of semi-detached properties fronting Windmill Road, with 2 pairs to either side of Orpington Gardens. Whilst the houses in each pair have undergone alterations they have shared and mirrored features such as bay windows in a similar manner to Nos 78 and 80. Additionally, although Nos 78 and 80 are the only ones with gabled side elevations and dormers and No 78 does not feature a single storey side projection like the other houses, there is nonetheless commonality in the size and features of the 4 pairs. Furthermore, the plot widths and spacing between the houses above ground floor level appear similar. The row of houses has a cohesive appearance, provides a sense of rhythm along Windmill Road and makes a valuable contribution to the area as a result.
7. Orpington Gardens features semi-detached and terraced houses which form strongly defined front building lines that are set back from the highway on both of its sides. These provide Orpington Gardens with a spacious character which is perceptible from around the junction. The side elevation of No 78 is also set back from the highway and as such the land beside the house contributes positively to the spacious character of Orpington Gardens. In addition, Nos 78 and 80 and the pair of properties on the other side of the junction frame the entrance to Orpington Gardens in a balanced if not symmetrical manner.
8. The proposed dwelling would be similar in width and features to No 78. Additionally, No 78 would retain an adequately sized rear garden in terms of character and appearance impacts. However, the dwelling would form a terrace with Nos 78 and 80 and the mirrored qualities of the pair, such as the bay windows, would be undermined and the terrace would appear unbalanced. Moreover, the cohesive appearance of the row of semi-detached properties would be weakened and the sense of rhythm the row provides would be disrupted. The dwelling would also extend right up to the site's side boundary. Consequently, it would appear cramped and undermine the spacious character of Orpington Gardens when viewed from around the junction.
9. It has been put forward that the proposal is like a scheme permitted on land adjoining 9 Duck Lees Lane¹. However, based on the evidence provided, that scheme relates to a site in another part of the borough. Additionally, the plans show that it involves the creation of a dwelling at the end of a terrace. The considerations relevant to that scheme are not comparable to the ones for this appeal proposal and thus it has little bearing on my decision.
10. The proposal would therefore harm the character and appearance of the area. It conflicts with Policies DMD6, DMD37 and DMD38 of the Council's Development Management Document (DMD) and Policies CP4 and CP30 of the

¹ Council reference: 20/01725/FUL

Council's Core Strategy (CS). In combination, these policies seek to ensure that development maintains and improves the quality of the built environment and promotes high standards of design. The proposal also conflicts with Policies GG2, D3 and D4 of the London Plan (LP), which together require that development makes the best use of land having regard to the value of existing places, features and characteristics. Additionally, it is contrary to Chapter 12 of the National Planning Policy Framework (Framework) which, amongst other things, sets out that development should be sympathetic to local character.

11. The Council has also referred to DMD Policies DMD13 and DMD14 and LP Policy H2 in respect of this main issue. However, these relate to proposals for extensions and guide boroughs on the delivery of housing on small sites, rather than proposals relating to new dwellings, and thus I find no direct conflict with them on this specific matter.

Standard of living accommodation

12. A bedroom is proposed in the roof space of the proposed dwelling. The bedroom would be served by 6 rooflights in total, with 3 in each roof slope. Although the rooflights would be close to the ridge of the roof, daylight and sunlight to them and views of the sky out from them would be unobstructed. Moreover, the proposal is for a single dwelling that would feature a living room, a kitchen and dining room and a rear garden and as such users of the bedroom would be able to use those spaces for most aspects of daily life. In that context, users of the bedroom would benefit from satisfactory levels of daylight, sunlight and outlook. The Council has raised no concerns regarding the bedroom in other respects.
13. The proposal would provide satisfactory standards of living accommodation for future users of the bedroom in the roof space. It complies with DMD Policies DMD6 and DMD8, CS Policy CP4, LP Policy D6 and paragraph 130 of the Framework in respect of this main issue exclusively, which set out design standards for accommodation and promote high standards of amenity. Additionally, I find no conflict with DMD Policies DMD3 and DMD9, CS Policy CP5 and LP Policies GG2, H1 and H10 regarding this matter. These policies relate to matters of housing mix and delivery, the best use of land and private amenity space, and are not directly relevant to standards of internal living accommodation.

Flood risk and sustainable drainage

14. The land to the side of No 78 principally features a modestly sized lawn area, a shed and hard surfacing. Its front garden is predominantly hard surfaced and has small areas of landscaping to its sides. The proposed dwelling would replace most of the lawn area and a small section of the landscaping to one side of the front garden but would otherwise replace hard surfacing.
15. Policy DMD61 of the DMD requires that drainage strategies are provided for all development and maximise the use of sustainable drainage systems (SuDS). A drainage strategy has not been submitted and the Council's Watercourses department has objected to the proposal on this basis. However, substantive evidence indicating that the site has drainage issues has not been provided and there were no obvious signs of such issues when I visited.

16. A small amount of soft landscaping is proposed for removal. There would be sufficient space to the front and rear of the existing and proposed dwellings to accommodate SuDS features and measures to limit surface water discharge onto the highway. Conditions to require landscaping and drainage system details to be implemented in accordance with schemes to be approved by the Council would ensure that the use of SuDS would be maximised and flood risk would be mitigated.
17. In respect of this specific main issue and subject to the conditions, the proposal accords with DMD Policy DMD61. It also complies with CS Policy CP21 and LP Policy SI13, which set out requirements and principles for sustainable drainage. I also find that the proposal accords with Chapter 14 of the Framework, which alongside other matters, sets out that when determining applications it should be ensured that flood risk is not increased elsewhere.

Other Matters

18. The appellant puts forward that the Council's delivery of housing is substantially below target. This is not disputed by the Council. Moreover, its Housing Delivery Test results for 2021 are such that the presumption in favour of sustainable development, as set out at paragraph 11 of the Framework, is relevant. Permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposal provides a single new family sized home and makes a small but valuable contribution to the delivery and supply of housing in the borough, particularly in the context of the Housing Delivery Test results. Furthermore, the Council identifies that there is a particular need for family sized homes, such as the one proposed, in the borough. However, overall, the amount of housing and thus the benefits of the development are modest. Conversely, I attach substantial weight to the harm that would be caused to the character and appearance of the area.
20. The adverse impacts would therefore significantly and demonstrably outweigh the benefits of the development when assessed against the Framework taken as a whole. As such, the Framework does not indicate that permission should be granted.

Conclusion

21. The proposal would harm the character and appearance of the area and I consider that it conflicts with the development plan as a whole. Material considerations do not outweigh the proposal's conflict with the development plan. Accordingly, the appeal should be dismissed.

Mark Philpott

INSPECTOR