



Appeal Decision

Site visit made on 11 April 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/Q5300/W/21/3282455

31-33 Hood Avenue, London N14 4QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Veli Bunul against the Council of the London Borough of Enfield.
 - The application Ref 21/01601/FUL, is dated 17 April 2021.
 - The development proposed is described as 'sub-division of the sites and erection of 2 no x 2-storey detached dwelling houses'.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. Following the submission of the appeal against non-determination, the Council stated the position it would have taken if it had made a decision. The following main issues have been informed by the Council's appeal statement.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regard to light, outlook and privacy;
 - whether or not the proposal would provide an adequate standard of living accommodation for its occupiers in respect of internal space;
 - the effect of the proposal on parking in the vicinity of the site;
 - whether or not the proposal would be satisfactory in respect of flood risk and make adequate provision for sustainable drainage; and
 - whether or not the proposal would provide adequate sustainable construction measures.

Reasons

Character and appearance

4. The site relates to two adjacent end of terrace properties fronting onto Hood Avenue. The properties have back gardens, with the one at No 33 extending

around the side and rear of the one at No 31. The gardens are principally laid to lawn and there are several trees near the site's rear boundary. A narrow cul-de-sac named Coverack Close runs across the back of the terraced properties.

5. On the other side of Coverack Close are flat blocks partially enclosed by hoardings. Recently constructed housing is adjacent to a bend in the highway nearby. It appears that a building site is located beyond the flats. The Council has confirmed that major redevelopment of Coverack Close and the surrounding area has been granted permission; however, full details of the extent and design of the development have not been provided.
6. The proposed dwellings would mirror each other and have brick elevations, flat roofs and porch canopies, and two storey front projections. Although the dwellings would share few characteristics with the properties fronting Hood Avenue, the recently constructed housing also features brick elevations and has two storey front projections with flat roofs or parapeted terraces. The proposal would be compatible with the appearance of the recent nearby development. The design of the proposed fenestration would also be appropriate.
7. However, there are currently no two storey buildings in the rear gardens of the properties along Hood Avenue. Additionally, I have not been referred to any directly comparable potential future development facing Coverack Close. The position of the proposed dwellings would thus be contrary to the prevailing pattern of development in the vicinity.
8. Furthermore, the proposal would necessitate the removal of several large trees. Whilst the trees do not appear to be of significant value, which is evidenced by the appellant's arboricultural impact assessment, their removal would open up views of the site and the rear elevations of the terraced properties. From Coverack Close, the proposed dwellings would appear close to the terraced properties, as cramped and incongruous additions to rear gardens, and awkwardly positioned between the single storey outbuildings located towards the rear of the neighbouring properties. In addition, there would be limited opportunities for soft landscaping to the front of the properties due to off-street parking proposed there, and the space needed to enter and exit the parking spaces and the dwellings. This would further the issues identified.
9. The proposal would significantly harm the character and appearance of the area. It conflicts with Policies DMD6, DMD7, DMD8 and DMD37 of the Council's Development Management Document (DM), Policy CP30 of The Enfield Plan Core Strategy (CS), and London Plan (LP) Policy D3, which require that the scale and form of schemes are appropriate to existing patterns of development and protect and enhance local character. It also conflicts with Chapter 12 of the National Planning Policy Framework (Framework), which sets out that decisions should ensure that development is sympathetic to local character.

Neighbours' living conditions

10. The proposed dwellings would not feature windows in their side elevations but have large rear facing openings. The land slopes downward from Hood Avenue to Coverack Close such that the terraced dwellings' rooms would be notably higher than the proposed dwellings' ones. Additionally, there is an elevated patio across the rear of the dwelling at No 33 and the adjoining dwelling at No 35 features a large area of raised decking.

11. The proposed dwellings would be more northerly than the terraced ones and relatively limited in height because of their flat roofs. As such, loss of light to the neighbouring properties would be insignificant. Additionally, due to the positions and differences in the land height of the dwellings, the occupiers of the nearby properties would retain adequate outward views. Changes to the neighbours' outlook and the degree of enclosure resulting from the scheme would be limited.
12. However, the proposed dwellings would be around 16 metres and 17 metres from the rear elevations of the dwellings at Nos 31 and 33 and similar distances from the adjoining dwellings at Nos 29 and 35. DM Policy DMD10 sets out that there should be a minimum distance of 22 metres between the proposed dwellings and the rear elevations of the properties in Hood Avenue, unless it can be demonstrated that the proposal would not result in inadequate daylight, sunlight or privacy. Having regard to the distances between the dwellings, the size of the proposed windows and the changes in land height, the scheme would have a significant detrimental impact on the privacy of the occupiers of those properties both when in their houses and rear gardens, especially when the patio and decking to the rear of Nos 33 and 35 are in use.
13. The proposal would have a significant negative impact on the privacy of the occupiers of Nos 29 to 35. The proposal conflicts with DM Policies DMD6, DMD7, DMD8 and DMD10, which seek to protect living conditions and high standards of accommodation. The Council contends that the proposal also conflicts with DM Policies DMD37 and CS Policy CP30; however, these relate mostly to character and appearance matters and thus are not directly relevant to this main issue.

Standard of accommodation

14. The appellant sets out that the proposal is for 2 bedroom, 3 person dwellings. However, the Council contends that as the dwellings would include 'reception/study' rooms, which would be sufficiently large for use as single bedrooms, the proposal is for 3 bedroom, 5 person dwellings.
15. There is no evidence that the 'reception/study rooms' are likely to be used as bedrooms, or that the proposal should be assessed on a different basis to the appellant's submission. Therefore, I have considered the proposal on the basis that it is for 2 bedroom, 3 person dwellings. Table 3.1 of the LP sets out that such dwellings should have minimum gross internal floor areas of 70 square metres. Both houses would exceed this standard and thus an adequate amount of internal space would be provided. The Council does not allege that the future occupiers' living conditions would be inappropriate in any other respects.
16. The proposal would provide satisfactory standards of living accommodation for the future occupiers. It accords with LP Policy D6, which requires that internal space exceeds the standards within Table 3.1. It also complies with DM Policy DMD8, CS Policy CP4, the London Housing Supplementary Planning Guidance and Chapter 12 of the Framework in respect of this specific main issue, which have similar objectives and seek high amenity standards. The Council alleges that the proposal conflicts with DM Policy DMD5. However, it is irrelevant as it applies to residential conversions.

Parking

17. The site is located within a Public Transport Accessibility Level 1A area, which indicates that its accessibility to public transport is poor. A significant proportion of the properties along Hood Avenue feature off-street parking. There also appears to be unrestricted on-street parking along Hood Avenue and, when I visited, there was some spare capacity. Vehicles were also parked along a small section of Coverack Close near the site's rear boundary.
18. The block plan shows that there would be an off-street parking space directly adjacent to each dwelling, which would be parallel to Coverack Close. The spaces would be sufficiently large to accommodate moderately sized cars, albeit entering and exiting the spaces would likely be awkward because of their position, the width of each frontage and the narrowness of Coverack Close. Additionally, the proposal would effectively reduce on-street parking capacity on Coverack Close by around two spaces. However, the likely number of vehicles generated by the 2 bed dwellings and the reduction in on-street parking capacity would be limited. As such, the proposal would have little effect on the availability of on-street parking in the vicinity of the site. Further, there would be sufficient space for cycle parking within the site.
19. The proposal would have an acceptable effect on parking provision in the vicinity of the site. It accords with LP Policy T6, DM Policies DMD45 and DMD48, and CS Policy CP24, which set out parking standards and seek to manage effects on the transport network.

Flooding and sustainable drainage

20. DM Policy DMD61 sets out that drainage strategies should be provided for all development and maximise the use of sustainable drainage measures. A drainage strategy has not been submitted; however, neither has information been provided which indicates that there may be existing flooding or drainage issues within or near the site, or that there has been flooding in the vicinity historically. Furthermore, green roofs and permeable paving are proposed for the new properties and part of the existing lawn would be retained. Nothing firm and substantive has been presented which indicates that the site or the surrounding area would be at risk of flooding or that drainage of the development would be unsatisfactory.
21. Conditions to require landscaping and drainage system details to be implemented in accordance with schemes approved by the Council would ensure that the use of sustainable drainage measures would be maximised and flood risk would be mitigated. Subject to the conditions, the proposal complies with DM Policy DMD61. It also accords with CS Policy CP21, LP Policies SI12 and SI13, and Chapter 14 of the Framework, which set out requirements and principles for sustainable drainage and aim to ensure that development minimises flood risk.

Sustainable construction

22. Limited information has been provided which relates to the sustainable design and construction methods of the scheme. However, appropriate details regarding such matters could be secured by means of conditions. On that basis I find no conflict with DM Policies DMD49, DMD50, DMD51, DMD53 or DMD55, CS Policies CP4, CP20, CP21, CP22 or CP31, or LP Policy SI3, which require

sustainable design and construction statements to be submitted, and relate to various aspects of sustainable construction, including energy use, carbon reduction, water supply and waste management.

Other Matters

23. The presumption in favour of sustainable development, as set out at paragraph 11(d) of the Framework, is applicable due to the Council's Housing Delivery Test results. I have not been provided with details regarding whether the Council can demonstrate a 5 year supply of deliverable housing sites.
24. The proposal would make a limited but important contribution to housing delivery and supply. It would also provide accommodation that would be suitable for small families and reasonably near to services and facilities. Additionally, I acknowledge that the development plan and the Framework seek to significantly boost housing supply, make best use of vacant land and promote the use of small sites, windfall development and the subdivision of large sites. Furthermore, there would be economic benefits associated with the construction process and the occupiers engaging with the local community and services and facilities. The properties would also increase natural surveillance of Coverack Close and there would be opportunities for improvements to biodiversity from the green roofs and new landscaping in the rear gardens.
25. However, overall, the amount of housing proposed and the benefits of the development are modest. Conversely, I attach substantial weight to the harm to the character and appearance of the area and the living conditions of the occupiers of Nos 29 to 35 Hood Avenue (odds).
26. Therefore, even if there is a significant shortfall in housing supply in the borough, the adverse impacts of granting permission significantly and demonstrably outweigh the benefits of the development when assessed against the Framework taken as a whole. Accordingly, the Framework does not indicate that permission should be granted.

Conclusion

27. I conclude that the proposal conflicts with the development plan as a whole. Material considerations do not outweigh the proposal's conflict with the development plan.
28. For the reasons given above, the appeal should be dismissed.

Mark Philpott

INSPECTOR