



Appeal Decisions

Site visit made on 19 May 2022

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal A Appeal Ref: APP/Q5300/W/22/3282166 79 Old Park Road, London N13 4RG

- 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 Paul & Sara Nanasbaum against the decision of Enfield Council.
 - The application Ref 20/00656/FUL, dated 20 February 2020, was refused by notice dated 4 March 2021.
 - The development proposed is Demolition of existing double garage, repositioning of existing dropped kerb and erection of 2 bedroom dwelling.
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Appeal B Appeal Ref: APP/Q5300/W/22/3290651 15 Fox Lane, Southgate, London N13 4AB

- 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 & Mrs Paul & Sara Nanasbaum.
 - The application Ref 21/00542/FUL, is dated 10 February 2021.
 - The development proposed is Demolition of existing double garage, repositioning of existing dropped kerb and erection of 2 bedroom dwelling.
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Decision

1. Appeal A is dismissed. Appeal B is dismissed, and planning permission is refused.

Preliminary Matters

2. The addresses detailed on both planning applications for the separate dwellings received to the Council differs. The appeal forms submitted by the appellant his specific in the address used consistently as 79 Old Park Road. I have proceeded on this basis.
3. The appellant has provided amended plans with Appeal B. These illustrate alterations to the proposed dwelling although they have had no formal consultation. Given the nature of the revised plans, I do not consider that they significantly alter the proposal or that any interested parties would be unduly prejudiced by me accepting them.
4. Appeal A was dismissed by the Council. Appeal B was not determined by the Council within the required timeframe and the appellant has chosen the route of appeal to determine the proposal. In light of this, the Council provided me with their putative reasons for refusal.

Main Issues

5. The main issues are:

- Whether or not the proposals at Appeal A and Appeal B would preserve or enhance the character or appearance of the Lakes Estate Conservation Area (CA); and
- The effect of the proposal on the living conditions of the future occupants with regards to outlook, internal light levels and provision of external space in respect of Appeal A. In respect of Appeal B, the effect of the proposal on the living conditions is limited to outlook only.

Reasons

6. The site is located within the Lakes Estate Conservation Area, a designated heritage asset. The significance of the CA derives from homogenous pairs of substantial two storey houses, with significant symmetry to them. Whilst Old Park Road has a limited mix of designs, nonetheless, collectively they represent fine examples of high quality decorated Edwardian houses of that era. The consistency to their size and type, plot, and rhythm adds positively to the character of the local area.
7. The appeal site is a pair of garages of limited architectural value located adjacent to the semi's of 75 and 77 Old Park Road with driveways to the front. The plot includes the garages and the drives only.
8. Both sides of the road contain semi-detached houses although the two sides are not identical as both rows have noticeable design differences to the front elevations.
9. The adjacent pair of dwellings of Number 75 and 77 Old Park Road are grander than the others along the same row with a veranda to the first floor and the use of timber and stonemasonry of a more decorated appearance to other houses.

Appeal A Character and appearance

10. The proposed dwelling has been designed to more closely relate to the houses along this side of Old Park Road than to the return houses along Fox Lane. However, its design includes significant design characteristics not in common with the adjacent houses. In particular, the roof profile with the use of peaked gable end to the front elevation with uncharacteristic design feature within the peak, would not harmonise with the local vernacular, and instead appear completely at odds with the typical style of traditional roof seen in close quarters. Together with a lack of continuous eaves line to the front elevation, it would not successfully follow the cohesiveness of houses along this side of the road.
11. There would be significant difference to the proportionality of the proposed building when compared to its neighbours. The ratio of brickwork to opening would not correspond with the prevailing character of houses, and this is further emphasised by the position of the projecting double height bay that is more centrally positioned than seen at other houses. The fenestration pattern to the first-floor bay would not follow the harmonious arrangement common to houses along the row.

12. The appellant seeks to provide a similar palate of materials to the adjacent houses to include traditional tiles and boundary treatment to the front of the site. Even so, given the highly decorative detail that exists to the adjacent pair of semi's to which it most closely relates, including ornate scalloped timber, porch, veranda, stone detailing, is conspicuously absent from this proposal. I have considered the possibility of imposing planning conditions to agree more specific design details, as suggested by the appellant. However, imposing planning conditions would not be appropriate to mitigate the harmful impact of this unacceptable development and would not meet the requirements of paragraph 55 of the National Planning Policy Framework (the Framework).
13. The gable end would disagree significantly with the traditional and original gable end of Number 77 Old Park Road. This would be in so far as the combination of modern style fenestration proposed at a high level in an ordered arrangement and small openings, would jar with the architectural composition of the adjacent dwelling with its full size windows, set in reveals and in an irregular pattern.
14. The proposed gable end would be very exposed within the street scene and highly visible in the approach from Fox Lane. With no rear return to correspond with the prevailing character of the existing Edwardian houses, it would look proportionately small and out of scale when seen within the context of No 77. This would further emphasise its discordant appearance.
15. Even though the rear of the houses are not clearly visible from the public domain, nonetheless, the pattern of development of semi-detached houses flanking the main road set within a generous plot with linear and reasonably long rear gardens, forms part of its intrinsic character. A roof garden would be the sole means of external private space to support the dwelling with no rear garden. This would not be representative of the character of the local area where houses contain a proportionately sized garden. The dwelling within the plot would therefore appear uncharacteristically cramped given the limited external space. It would not be representative of the distinctiveness of the local area.
16. The decision of another inspector has been brought to my attention by the appellant for a refused scheme at the site. However, that was for a contemporary style of dwelling of an overall very different nature. I have considered this proposal on its own merits.
17. As the appeal property sits within a conservation area, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
18. I find the new dwelling would not preserve or enhance the special character or appearance of the CA. The proposal would not accord with the defining characteristics of Old Park Road and would compromise the traditional identity of the street scene. Most significantly, it would not make a positive contribution to the historic integrity of the CA.
19. Paragraph 199 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's

conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. This harm would be 'less than substantial' and in accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found.

20. A public benefit would be an additional unit to add to the Borough's housing stock. However only one new dwelling would have limited contribution. The garages may be run down in appearance although to my mind, they have a neutral effect on the character and appearance of the CA. The dwelling would be intended to be erected using sustainable construction techniques and a low carbon footprint with other benefits of its location close to local services and amenities would however, not lead me to conclude that these benefits would outweigh the harm that would arise from inappropriate development.
21. To conclude on this main issue, the proposed development given its inappropriate design, plot constraints that would not correspond with the local environment, would appear as an incongruous and visually discordant feature detrimental to the character and appearance of the CA. Therefore, it would conflict with the heritage and design aims of Policies D3, D4 and HC1 of the London Plan 2021; the design and heritage protection objections of Policies CP30 and CP31 of the Enfield Core Strategy 2010. In addition, it would conflict with Policies DMD6, DMD8, DMD37 and DMD44 of the Enfield Development Management Plan 2014, and the Lakes Estate Conservation Area Character Appraisal and The Lakes Estate Conservation Area Management Proposals (2015) in their overarching objectives to preserve local distinctiveness, heritage assets and create good design. Finally, it would not protect the historic environment and thus conflict with the objectives of the Framework.

Appeal A Living conditions

Outlook, daylight and sunlight levels

22. The ground floor of the proposal would entail open plan living. Due to it encompassing most of its boundaries, a number of fenestration openings are limited to high level. Consequentially, there is a very strong reliance on obtaining light and outlook from windows to the front elevation.
23. The outlook from the first floor I find to be acceptable to future occupants as the windows are proportionately sized to the those of the bedrooms. The outlook from the ground floor rear windows would be sky views with no sense of surrounding context. I therefore agree with the Council that due to the constrained nature of the site, the proposal would offer only a single aspect outlook from the ground floor. As a combined habitable space, this is not conducive to acceptable living conditions. Any comparisons made with this scheme and the one referred to by the appellant at an earlier appeal, cannot be favourably considered as they are different design proposals with different fenestration patterns.
24. Even though the findings of the submitted Daylight, sunlight and overshadowing report submitted with the appeal that states it would meet BS levels, there is no context to the findings to demonstrate how this has been achieved. I cannot therefore adequately determine whether or not acceptable levels of daylight and sunlight would be received to the habitable rooms.

External space

25. The scheme would rely on a roof garden as a means to provide external space for its occupants. As this space would be within the roof at the top of the house, the implications of this would not be a practical solution to rely on it as the sole private external area. Irrespective of internal room sizes or the size of the roof area, I question its functionality and usefulness as external space for future occupants. In addition, it would be substantially enclosed by a roof. I am not convinced it is an acceptable means of external space to support the living conditions of the future occupants.
26. I appreciate it could be used as additional space and the implications of the Covid-19 pandemic and home working. However, this would not lead me to reach an alternative conclusion on the matter. There may be a local public park within reasonable walking distance of the appeal site. Nonetheless, I find that the proposal would not create a quality development.
27. As a combination of factors, I therefore conclude that the living conditions of the future occupants would be adversely harmed as a consequence of the single aspect that would arise, and the nature of external space proposed, and it has not been demonstrated that the daylight and sunlight levels into habitable spaces would be acceptable. It would therefore be contrary to policy D6 of the London Plan 2021 in respect of housing quality, Policies DMD8 and DMD9 of the Development Management Document with regards to their general residential and amenity standards. In addition, it would not meet the expectations of the London Plan Housing SPG in respect of their standard for dual aspect living. Finally, the proposal would be contrary to the Framework 2021 in its objectives for development to safeguard the amenity of future users.
28. However, I find no direct relevance to Policies CP4 and CP30 of the Core Strategy 2010 as these do not relate to living conditions, as well as Policy DMD5 of the Development Management Document as it relates to residential conversions. In addition, I find no direct conflict with the proposal and the DCLG Technical Housing Standards in terms of space.

Appeal B Character and appearance

29. The amended plans submitted with the appeal illustrate the proposed dwelling with more detailed attention to its external finish. In particular, the amended plans illustrate design influences that more closely relate to the other houses along the same row by following the existing roof configuration and similar fenestration pattern to the front elevation, with greater proportionality.
30. Even with these design characteristics, it follows that there are significant details that are missing to provide a unifying identity. Specifically, the external front porch, lack of decorative timber details, the addition of a dormer window to the front roof plane which is an uncharacteristic feature along rooves of Old Park Road, all these contribute negatively, and do not lead to good placemaking.
31. As I have mentioned before at Appeal A, the gable end of No 77 is prominent within the street scene. It is a deep dwelling with substantial brickwork broken up by irregular fenestration. Although this proposal would introduce a chimney stack and full height fenestration, its ordered arrangement would not resemble

- the irregular pattern seen at the adjacent property. The depth of the proposed gable wall would appear substantially smaller in scale when compared to the adjacent dwelling and would be unavoidably noticeable within the street scene. It would appear visually discordant and would not preserve or enhance the character or appearance of the CA.
32. The plot size would remain as per Appeal A where the dwelling would dominate the plot with no corresponding rear garden to the plot, therefore appearing out of character with the prevailing plot sizes and thus cramped in its environment. The proposal would therefore fail to successfully integrate with the local area.
33. I reiterate Paragraph 199 of the Framework that advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. This harm arising from the proposal would be 'less than substantial' and in accordance with paragraph 202 of the Framework, the public benefits must be balanced against any harm found. The same public benefits I identified before at Appeal A would not outweigh the harm to the character and appearance of the CA.
34. To conclude on this main issue, the proposed development would appear as an incongruous and visually discordant feature detrimental to the character and appearance of the CA. Therefore, it would conflict with the heritage and design aims of Policies D3, D4 and HC1 of the London Plan 2021; the design and heritage protection objections of Policies CP30 and CP31 of the Enfield Core Strategy 2010. In addition, it would conflict with Policies DMD6, DMD8, DMD37 and DMD44 of the Enfield Development Management Plan 2014, and the Lakes Estate Conservation Area Character Appraisal and The Lakes Estate Conservation Area Management Proposals (2015) in their overarching objectives to preserve local distinctiveness, heritage assets and create good design. Finally, it would not protect the historic environment and thus conflict with the objectives of the Framework.

Appeal B Living conditions

35. As I have found Appeal A to have an unacceptable outlook for the future occupants, given the ground floor arrangement as proposed, even with the slight changes to fenestration at Appeal B would not lead to a discernible difference in so far as I would reach a favourable conclusion.
36. Therefore, I conclude on this main issue that as the single aspect nature of the scheme would result in an unacceptable outlook, harmful to the living conditions of the future occupants, it would thus not meet the broad expectations of housing quality of Policy D6 of The London Plan 2021. It would not meet the requirements of Policies DMD6 and DMD8 of the Development Management Document 2014 in terms of outlook and standard of accommodation. In addition, it would not meet the expectations of the London Plan Housing SPG in respect of their standard for dual aspect living. Finally, the proposal would be contrary to the Framework 2021 in its objectives for development to safeguard the amenity of future users.
37. However, I find no direct relevance to Policies CP4 and CP30 of the Core Strategy 2010 as these do not relate to living conditions. I find no direct

conflict with the DCLG Technical Housing Standards and the proposal in terms of space.

Other Matters

38. The appellant explains that the Council are underdelivering in their supply of housing. I have been provided with little evidence about the extent of the shortfall in supply.
39. The Framework is clear that the presumption in favour of sustainable development does not exist when the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason to refuse granting permission. As the application of policies in the Framework that protect designated heritage assets provides a clear reason for refusing the proposed development, it does not benefit from the presumption in favour of sustainable development.
40. Although the proposal could be appropriately conditioned to ensure there would be no overlooking and a loss of privacy to the living conditions of the neighbouring occupants, fully accessible to all, with no objections raised over highway safety or the landscaping scheme from the Council, nevertheless, these are neutral matters that weighs neither for or against either schemes.
41. Any matters relating to Council inconsistency should be referred to the Council in the first instance and is not within my jurisdiction to comment on. The appellant may have taken advice from a local design group to improve the proposed dwellings' design. Irrespective of the advice from this party, the Council are obliged to apply their own judgement as decision makers.

Conclusion

42. The Council may state that delivering a dwelling at the site is acceptable. However, this is measured amongst other material considerations including protecting the designated heritage asset to which it is located, and safeguarding the living conditions of its future occupiers.
43. Overall, I have found that the proposal would conflict with the development plan when taken as a whole and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons given, appeal A is therefore dismissed, and Appeal B is dismissed and planning permission is refused.

Alison Scott

INSPECTOR