



Appeal Decision

Site visit made on 14 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2022

Appeal Ref: APP/Q5300/W/21/3281927

344 Bury Street West, Edmonton N9 9LA

- 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 James Nevin against the decision of the London Borough of Enfield.
 - The application Ref 20/03533/FUL, dated 28 October 2020, was refused by notice dated 4 March 2021.
 - The development proposed is described as addition of two storeys to the existing property for the creation of two additional residential units
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr James Nevin against the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matters

3. Despite the opportunity to submit its own evidence the Council have not. Nevertheless, the Council's delegated report is appended to the appellant's statement of case and section 79 of the Town and Country Planning Act 1990 (as amended) empowers me to deal with the application as if it has been made to me in the first instance.

Main Issues

4. The main issues in this appeal are whether the proposed development would a) affect the character and appearance of the surrounding area, including trees within the site; b) affect the living conditions of the occupants of 346 Bury Street West in relation to both daylight and sunlight, and outlook; and c) provide adequate drainage.

Reasons

Character and appearance

5. Bury Road West is in a suburban residential area. Properties are predominantly 2 storey and a mix of detached, semi-detached, and terraced dwellings. There are some purpose-built flats, but these are of a scale and form which is visually comparable to the surrounding semi-detached dwellings. Properties are generally traditional in design, set back behind gardens or off street parking with modest, maturely planted rear gardens.

6. Some properties have been altered to provide roof space accommodation, including those the appellant has drawn my attention to. These alterations appear to be restricted to rear and side roof extensions, with at most roof lights in front elevations. This visually maintains the 2 storey form of the property within the street scene.
7. The appeal site has an access road to the side which leads to a row of garages. These are screened from the appeal property by several mature fruit trees along the rear boundary of the site. On visiting the site, it does not appear there are any other noteworthy trees within the site, nor would its location constitute a significant or important gap in the street scene.
8. The substantial increase in bulk between the existing and proposed property would be evident when viewed across the access road. Although the proposed eaves and ridge height would be similar to the adjacent terrace, the mass of the proposed building would be significantly greater than surrounding properties. This would be exacerbated by the steep roof pitch of the east facing gable and the mix of side facing window shapes and sizes.
9. Properties in the area generally have similarly pitched roofs with side to side ridges, hipped or gabled ends and subservient front facing gables and / or rear facing flat dormers. When viewed from either side the proposal would have obvious front to back roof ridges (created by the large flat roof) which would emphasise a lack of consideration of the surrounding traditional building form and the excessive bulk of the proposal.
10. From the rear the proposed 1st and 2nd floor terraces and large flat roofed rear and side dormer would constitute development more akin to an apartment block, rather than the traditional appearance of its surroundings. This would jar with the terraced row to the west and would be entirely out of character for the area.
11. It is appreciated that the proposed new building would have a traditionally designed frontage and takes cues from the adjacent terrace including materials. However, the 2nd floor glazing within the front gable would be at odds to the existing front facing gables in the immediate vicinity and would draw attention to the 3 floor nature of the property. The predominant use of render on the side elevation would also draw attention to the overall size. Although render is used within the local area it is generally used as an accent rather than as the dominant material. As such, when the proposal is viewed as a whole its significant size and bulk, lack of cohesive design across the various elevations and the unsuccessful juxtaposition between it and the traditional street scene, is inescapable. The proposal would, therefore, harm the character and appearance of the surrounding area.
12. Due to the lack of significant trees within the site or along the boundaries I am satisfied that the proposal would not irrevocably harm trees which contribute to the character and appearance of the area. Any trees removed could be successfully replaced within an appropriate landscaping scheme. On this matter alone the proposal would accord with Policies DMD80 and DMD81 of the Enfield Council Development Management Document (2014) (DMD) and Policy G7 of the London Plan 2021.
13. Notwithstanding the lack of harm to trees, the proposal would still harm the character and appearance of the surrounding area. This is contrary to DMD

Policies DMD6, DMD8, DMD13, DMD14 and DMD37, Policy CP30 of the Enfield Council Core strategy 2010-2025 (2010) (CS), London Plan Policies D1, D4 and D8 and paragraph 130 of the National Planning Policy Framework 2021 (The Framework), insofar as they relate to design, character and appearance.

14. CS Policy CP34 and London Plan Policy D8, G5 and G6, are referred to in the reasons for refusal. I have not referred to them above as they are not directly relevant to this main issue.

Living conditions

15. 346 Bury Street West is an end terrace dwelling located to the west of the appeal site. The rear elevation and garden of No 346 are orientated away from the appeal site and align with the other properties in the terrace, facing southward. Due to the somewhat compact nature of the area the outlook from many properties, including No 346, contains views of other predominantly 2 storey buildings, usually softened by localised planting within individual gardens. No 346 does not have any upper floor windows in its side elevation and has mature planting along the shared boundary which extends above the existing garden fence.
16. The proposal would create a 3 floor property on broadly the same footprint as the existing property. In the main the upper floors of the proposal would be set back behind the rear elevation of No 346, with only a small protruding section, set away from the shared boundary. The submitted daylight and sunlight assessment concludes that proposal would not significantly affect the available daylight or sunlight to such an extent as to cause harm to the living conditions of the occupants of No 346. There is nothing before me which refutes these findings and on visiting the site I am satisfied with the conclusion drawn by the assessment.
17. The proposal would be visible from the rear garden of No 346 when looking back towards the property or obliquely when looking sideways. However due to the existing built up character of the area, the size of No 346's garden, the maturely planted boundary and orientation of the property away from the appeal site, it is not considered that the proposal would impair the outlook for the occupants of No 346.
18. The proposed development would not harm the living conditions of the occupants of 346 Bury Street West in relation to both daylight and sunlight, and outlook. It would comply with DMD Policies DMD6, DMD8 and DMD37, CS Policy CP30, London Plan Policies D1 and D4, and the Framework paragraph 130, insofar as they relate to the living conditions of the occupants of adjacent properties.

Drainage

19. DMD Policy DMD61 states that a drainage statement is required for all developments, and effective management of surface water via the use of sustainable drainage systems (SuDs) is nationally recognised. Notwithstanding this there is an expectation that such matters are proportionate and appropriate to the proposal. Paragraphs 167 -169 the Framework do not specifically require consideration of SuDs for minor developments unless part of a site-specific flood-risk assessment.

20. The appeal site is in residential use within an established residential area. It has not been identified as within a specific flood zone or suffering from specific drainage issues, nor was a site-specific flood-risk assessment required. The proposal, although creating a more voluminous building, would not significantly increase the roof area or amount of hard landscaping within the site.
21. The Council's SuDs team encourages an outline strategy at application stage and the appellant's design and access statement outlines realistic SuDs which could be implemented. I note the SuDs team would prefer details relating to volumes and discharge rates. However, in this specific case, due to the lack of existing risk and the only marginal increase in hard surfaces proposed, I conclude that a drainage statement setting out the SuDs details and management could be dealt with by condition were the appeal to be allowed.
22. The proposal could, therefore, provide adequate drainage and would comply with DMD Policies DMD59, DMD60 and DMD61, CS Policies CP21 and CP28, London Plan Policies SI12 and SI13, and the Framework insofar as they relate to drainage.

Other Matters

23. The compliance with internal and external space standards is a matter of good design so is considered neutrally and does not outweigh the harm found.
24. Concerns have been raised relating to parking, ecology, the population density of the area and the effect on the privacy of neighbouring residents. As I am dismissing the appeal for other reasons, I have not pursued these matters further. Even if I were to consider no harm would arise from these matters, they would be a neutral factor.
25. Pre-application advice constitutes the individual professional opinion of the planning officer. A Council is not bound to accept the recommendations of pre-application advice. The appellant also considers that the Council have not acted positively and proactively in dealing with the application. This is an administrative matter and does not impact on the planning issues of this case.

Conclusion

26. Whilst I have found for the appellant in relation to the second and third main issues. This would be a lack of harm and thus, by definition, incapable of weighing against the harm that I have found regarding the first main issue. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR