
Appeal Decision

Site visit made on 10 May 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/Q5300/W/21/3286274

Storage land, rear of 244 Lincoln Road, Enfield, London EN1 1TA

- 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 Coyle, Hartley Developments Ltd against the decision of London Borough of Enfield Council.
 - The application Ref 21/00908/FUL, dated 5 March 2021, was refused by notice dated 6 May 2021.
 - The development proposed was originally described as demolition of existing storage (B8) outbuilding and erection of 2 No part 1, part 2 and part 3 storey dwellings with associated amenity space and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address stated by the Council in its decision notice as it more clearly represents the location of the site.
3. I have been provided with plans which show the location of the site, proposed and existing plans, elevations and a sectional drawing. Some of the plans before me are not listed on the Council's decision notice, but as the plans before me form a complete set, I have considered the appeal on that basis.

Main Issues

4. The main issues are: (i) the effects of the development on the character and appearance of the area; (ii) whether the development would provide suitable living conditions for future occupiers, with regard to private amenity space, internal arrangement, light, and outlook; and (iii) the effects of the development on flood risk, from surface water run-off.

Reasons

Character and appearance

5. The appeal site is a parcel of land at the rear of 244 Lincoln Road, accessed from Lincoln Way, and which may once have been part of the rear garden of No 244. The appellant and the Council agree that it is currently used as a storage yard for building materials and contains a building associated with that use. At the time of my site visit much of the site was used for external storage, and storage in shipping containers. The pebble-dashed single-storey building was not dissimilar in appearance to a large flat-roofed garage, and a concrete fence ran along the boundary with Lincoln Way.

6. In the vicinity of the appeal site, Lincoln Way divides areas of different characters. On its eastern side it is residential, with predominantly terraced dwellings and large garages at their rear served from a wide unsurfaced access track. On its western side is a commercial area with large industrial buildings typical of warehousing. Between the two, the part of Lincoln Way in the vicinity of the appeal site is a quiet street with small street trees running along its western edge softening views of the industrial buildings beyond them. I note the large gap between dwellings on Lincoln Road and Lincoln Way, attributable to long gardens and an access track serving rear garages. Nevertheless, the eastern side of Lincoln Way is distinctly residential, and the development would be seen in that context despite the industrial buildings opposite.
7. Within the area bounded by Lincoln Road and Lincoln Way, there is a prevailing rhythm, height and proportion to residential buildings. Although there are some variations, the general shape and form of dwellings is relatively consistent in terms of being two-storey terraced and semi-detached buildings, some with dormer roof extensions within pitched roofs, and single-storey outbuildings.
8. The development is the erection of a pair of semi-detached dwellings of a design which would distinguish it from other dwellings in the area. It would present a public face onto Lincoln Way, with blank facades on its rear and sides. The drawings show that the proposed building would be of a similar height to No 244, but as a flat-roofed building over three storeys it would appear taller and bulkier at second floor level. Its brick walls would also be higher than the eaves height of surrounding dwellings, which would accommodate roof terraces, but increase the visual scale of the building. Although the front façade would have an active frontage facing the street, views of the side elevations would also be prominent in the street scene as a result of the separation between existing and proposed dwellings. The side elevations would be rectangular and featureless and, as seen from Lincoln Way and dwellings north and south of the appeal site, would appear as dominant and discordant features in this area.
9. From gardens and the rear of dwellings on Lincoln Road and Lincoln Way, and despite the recessed brickwork panel detail, it would be seen as a large windowless structure among gardens and single storey garage buildings, and the presence of the adjacent single storey garage building would do little in mitigation. Although it would be seen with a backdrop of the commercial warehousing buildings, it would appear bulky and visually intrusive in the area of residential character, and would therefore be inappropriate in scale and form.
10. The development would therefore harm the character and appearance of the area, and conflict with the relevant provisions of Policies D3, D4 and D6 of the London Plan (2021) ('LP'), which relate to design quality and character, Policy CP30 of the London Borough of Enfield Plan Core Strategy 2010-2025 (2010) ('CS'), which requires high quality design having regard to context, Policies DMD8 and DMD37 of the London Borough of Enfield Council Development Management Document (2014) ('DMD'), which relate to character and scale, bulk and massing, and chapter 12 of the National Planning Policy Framework ('the Framework'), which seeks to achieve well-designed places.

Living conditions

11. LP Policy D6 defers to higher local standards, where they exist, in relation to private outside space. In this case they are set out in DMD Policy DMD9. Individual 3 bed 5 person dwellings must provide good quality private amenity space that is not significantly overlooked by surrounding development and meets or exceeds 29sqm of private amenity space. The text supporting Policy DMD9 further defines private amenity space as that which is accessible to and screened for purposes of the residents of the dwelling, and excludes "landscaped areas which provide a setting for the development such as front gardens".
12. The proposed front lawns would be separated from the street by a low brick wall with railings above and a yew hedge behind it, at a total height of 1.1m allowing views over it by pedestrians. In this way it would differ from the second-floor terraces or other enclosed spaces. I therefore consider the ground level lawns would not contribute to the amount of private amenity space envisaged by the policy requirement and, as a consequence, the minimum private amenity space requirement per individual dwelling would not be met.
13. In terms of internal arrangement, LP Policy D6 seeks to avoid the provision of single aspect dwellings, but I note the ground and second floors would be dual aspect. In terms of light, the Council's objection appears to be limited to the first floor, and in terms of outlook to the first and second floors. It is not unusual for bedrooms to be single aspect rooms and, even without a daylight and sunlight report, it is clear to me that the proposed west-facing windows on the first and second floors would provide adequate light. Outlook from proposed bedrooms on the first and second floors would also be sufficient, along with side windows to the stairways. Overall, the internal arrangement, light, and outlook, would not be unacceptable.
14. Therefore, although I have not found harm in terms of internal arrangement, light, and outlook, the development would not provide acceptable living conditions for future occupiers with regard to private amenity space. It would therefore conflict with the relevant provisions of LP Policy D3, which relates to the experience of occupiers, and DMD Policy DMD9, with regard to the quality and amount of private amenity space.

Flood risk

15. The Council is concerned that, in the absence of a sustainable drainage strategy, the development fails to manage the risk of surface water run-off and follow the London Plan drainage hierarchy. However, they also advise that, if the proposed development was acceptable in all other respects, this matter could be addressed by a planning condition requiring submission of a drainage strategy.
16. The Appellant advises that the existing site comprises 100% impermeable surfaces, and that 27% permeable surfacing is proposed at ground level. I also note there may be greater scope for permeable areas, if required, in the event that permeable surfacing was used on the proposed access and parking areas. From the information before me I consider that suitable drainage of the site would be achievable, and would therefore be a matter which could be addressed by planning condition.

17. Subject to a suitable planning condition, the development would therefore not increase flood risk from surface water run-off, and would accord with LP Policies SI12 and SI13, CS Policies CP21 and CP28, and DMD Policies DMD59, DMD60, DMD61 and DMD62, which relate to flood risk, drainage and the management of surface water run-off.
18. In the Council's reason for refusal, it referred to the Enfield Strategic Flood Risk Assessment (2008). I have not been provided with a copy of that document, despite requesting it from the Council. I have therefore considered the appeal on the basis of the information before me.

Other Matters

19. Two additional dwellings would make a small contribution towards increasing housing supply. The Framework seeks to significantly boost the supply of homes, acknowledges the role that small sites can make to meeting housing requirements, and that they are often built out relatively quickly. The development would be on 'brownfield' land in an urban area, albeit not in an area with high public transport accessibility¹. These benefits attract limited weight in favour of the proposal. I also note that no comments were received from neighbouring residents or other interested parties.
20. However, I identify conflict with the development plan in relation to the character and appearance of the area and living conditions of future occupiers of the development which carries significant weight. The benefits identified above would not outweigh the harmful effects of the development and do not amount to convincing reasons to permit development which would be contrary to the development plan.

Conclusion

21. For the reasons above, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR

¹ TfL PTAL 2 as adopted in the London Plan.