



Appeal Decision

Site visit made on 5 September 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2022

Appeal Ref: APP/Q5300/W/22/3297963

45 Belgrave Gardens, Southgate N14 4TS

- 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 Payman Akbarian against the decision of Council of the London Borough of Enfield.
 - The application Ref 21/03451/FUL, dated 3 September 2021, was refused by notice dated 3 November 2021.
 - The development proposed is the subdivision of the site and erection of single storey detached dwelling house on land to the rear of No 45 Belgrave Gardens, landscaping and all associated site works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site comprises 45 Belgrave Gardens, a semi-detached residential property, and its associated garden. It is located at the junction of Belgrave Gardens and Prince George Avenue both of which are predominantly residential in character.
4. The rear garden of the site, within which the proposed detached dwelling is sited, is enclosed by a brick wall. It contains a garage that is accessed from a side road that provides rear access to other properties on Belgrave Gardens as well as providing rear access, parking, and servicing for a mix of commercial and residential properties on Bramley Road. The side road marks the transition between the predominantly residential character of Belgrave Gardens and Prince George Avenue and the mix commercial and residential character of Bramley Road.
5. Reference has been made to the Enfield Characterisation Study (ECS). The appellant indicates that the ECS places the appeal site within a classic suburban typology, where the form and architectural features of the recurring house type, landscaped front gardens and planted roadside verges are listed as the most important contributors to character. This is not disputed by the Council. The appellant asserts that the spatial relationship and physical characteristics of this corner plot is not a positive feature but a side effect of

- market logic with no inherent aesthetic or character value. That it is 'space left over after planning'.
6. However, although rear gardens are not identified as important in the ECS, the appeal site provides a break in the frontage and as such offers visual relief from its more built-up surroundings. The site thereby contributes to the character of the area in a positive way.
 7. The single storey flat roofed design of the proposed development is a marked contrast to the prevailing forms of the locality. Whilst its height is comparable to an outbuilding it would have a much larger footprint and as such would appear out of place in the rear garden when viewed from the side road.
 8. In addition, it would not sit well with the established pattern of development on Prince George Avenue which it faces onto, notwithstanding that it is on the edge of a different character area. It would project above the existing substantial side boundary wall and, due to the sloping nature of the site, the side elevation which spans almost the entire width of the garden would be visible from Prince George Avenue in a position close to the rear of No 45. The proposed fencing between the properties would also be visible to views from the street resulting in the shortened rear garden of No 45 being apparent from the public realm. Consequently, the development would have a cramped appearance in relation to the existing dwelling and as an intrusive and discordant addition to the street scene to its detriment.
 9. Reference has been made by the appellant that the site context is liable to change soon. I have not been directed to a policy allocating the area for development, provided with any details of development that has been permitted or seen evidence that substantial development is taking place. As such there is no basis upon which to conclude that the wider area will change to the extent that the proposal will be appropriate to its context in the future. Even if I were to be persuaded that the context will change that does not justify visual harm in the short to medium term.
 10. Policy DMD7 of the Enfield Development Management Document 2014 (DMD) relates to development of garden land. It does not prohibit garden development but seeks to ensure that the positive contribution gardens make to the character of the Borough are protected and enhanced. To do this it sets several criteria that must be met if garden land development is to be permitted. As I have found that the development harms the character of the area and adversely impacts on the existing pattern of development in the locality it does not meet the criterion (a) or part of criterion (d). Consequently, the proposal is also contrary to this policy, which requires all criteria to be met.
 11. I find therefore that the proposal would harm the character and appearance of the area. As such, it would be contrary to Policies D3 and D4 of the London Plan 2021, which seek to optimise site capacity through a design-led approach having regard to, amongst other things, form and layout and delivery of good design. The proposal would also be contrary to Policies DMD6, DMD7, DMD8 and DMD37 of the DMD and Policies CP4 and CP30 of the Enfield Core Strategy 2010 (CS) insofar as they seek to ensure high quality development that is appropriate to its setting. It would also be contrary to the design aims of the National Planning Policy Framework (the Framework).

12. The Council have referred to London Plan 2021 Policies H2, GG1 and GG2 in the reasons for refusal. These policies relate to making best use of land, building strong and inclusive communities, and the provision of housing on small sites. However, the proposal does not conflict with such policies in respect of the main issue. Similarly, Policy CP2 of the CS is not relevant to the main issue as it relates to housing supply and locations for new homes which is not in dispute.

Other matters

13. The appellant is critical of the way the Council has assessed the proposal within the Officer's Report. This does not alter my assessment of the planning merits of the scheme.

Planning Balance

14. The appellant has indicated that there has been a consistent and significant under delivery of housing when measured against the homes required. This is not disputed by the Council. Consequently, para 11d) of the Framework is engaged. There are no policies in the Framework that protect areas or assets of particular importance, and which provide a clear reason for refusing the development as set out in para 11d) i). Therefore, according to para 11d) ii) of the Framework consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
15. The appellant refers to the contribution that the proposal would make to biodiversity. As the site is primarily lawn and having regard to the proposed landscaping, I have no reasons to disagree. Nevertheless, such benefits would be small due to the limited size of the site.
16. The proposal would make a very modest contribution of one dwelling, in an accessible location, to the supply of housing. Benefits to the local economy would also be small given the scale of the scheme.
17. As set out above, with reference to para 130 of the Framework, I have found harm to the character and appearance of the area. Such harm would significantly and demonstrably outweigh the benefits.

Conclusion

18. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR