



Appeal Decision

Site visit made on 13 September 2022

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Appeal Ref: APP/Q5300/W/21/3285408

124 Old Park Ridings, Enfield, London, N21 2EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Andrew Simpson of West One Development Finance Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/01377/VAR, dated 7 April 2021, was refused by notice dated 23 June 2021.
 - The application sought planning permission for redevelopment of the site including subdivision and erection of a new building containing a 1 x 4 bed dwelling and a new building containing 1 x 2 bed flat and 2 x 3 bed flats with mansard roof and balconies and terraces at rear without complying with a condition attached to planning permission Ref 16/05960/FUL, dated 17 July 2017.
 - The condition in dispute is No 2 which states that:
(2) *The development hereby permitted shall be carried out in accordance with the following approved plans: 1249MM_FUL:SH1 (Location Plan), 1249MM_FUL:SH2 (Proposed Block Plan), 1249MM_FUL:SH3 (Proposed Site Plan), 1249MM_FUL:SH4 (Proposed Ground Floor Plan), 1249MM_FUL:SH5 (Proposed First Floor Plan), 1249MM_FUL:SH6 (Proposed Second Floor Plan), 1249MM_FUL:SH7 (Proposed Front Elevations), 1249MM_FUL:SH8 (Proposed Rear Elevations), 1249MM_FUL:SH9 (Proposed Side Elevations), 1249MM_FUL:SH10 (Proposed Side Elevations), 1249MM_FUL:SH11 (Proposed Street Scene), Design and Access Statement.*
 - The reason given for the condition is:
(2) *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for redevelopment of the site including subdivision and erection of a new building containing a 1 x 4 bed dwelling and a new building containing 1 x 2 bed flat and 2 x 3 bed flats with mansard roof and balconies and terraces at rear at 124 Old Park Ridings, Enfield, London, N21 2EP in accordance with the application Ref 21/01377/VAR dated 7 April 2021 without complying with condition No 2 set out in planning permission Ref 16/05960/FUL granted on 17 July 2017, but otherwise subject to the conditions set out in the attached schedule.

Background and Main Issue

2. Planning permission was granted for the redevelopment of the site on 17 July 2017 (Ref 16/05960/FUL), subject to a number of conditions. Condition 2 of that permission requires the development to accord with the approved plans.

The appeal seeks to vary this condition in order to allow for the retention of a lift overrun that was not previously shown on the approved plans.

3. In that context, the main issue is the effect of varying the disputed condition on the character and appearance of the host building and surrounding area.

Reasons

4. The proposed apartment building has been constructed with a lift overrun that is 0.7 metres in height. This is positioned centrally within a flat roofed area and is set back from the front elevation of the building.
5. The lift overrun has limited visibility to pedestrians walking along Old Park Ridings. In this regard, it can only be seen from relatively narrow sections of the footway and is otherwise obscured by the profile of the roof or adjacent buildings. From these narrow vantage points the lift overrun is only partly visible and it is not readily perceptible to passers-by. It is the same colour as the roof and is recessive in appearance. Moreover, given the significant variation in the design of properties along this side of the street, it does not appear out of place. Whilst the overrun is more clearly visible in longer views along Ridings Avenue, these are more distant in nature. Moreover, the overrun does not appear unduly prominent or incongruous from these positions.
6. For the above reasons, I conclude that varying the disputed condition would not significantly harm the character and appearance of either the host building or the surrounding area. It would therefore accord with Policy D4 of the London Plan (2021), Core Policy 30 of the Enfield Core Strategy (2010), and Policies DMD 6, DMD 8, DMD 13 and DMD 37 of the Enfield Development Management Document (2014). These policies seek to ensure, amongst other things, that new development delivers good design that is appropriate to its context.

Undisputed Conditions

7. The Officer Report states that conditions 3-6, 8-21, and 25-26 to permission Ref 15/05972/FUL have been discharged. However, I have reattached those discharged conditions that have a retention clause to ensure that the approved details are retained. Furthermore, a time limit condition is unnecessary, as the development has already commenced.
8. Planning Practice Guidance is clear that approvals under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have limited information before me about the status of some of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant.
9. The only pre-commencement condition that does not appear to have been discharged relates to surface water drainage. As the development is now substantially complete, I have altered the timing clause for this condition so that these details are required to be submitted within 3 months of the date of this decision. In the event that any of the re-attached conditions have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition, but substituting for it another, and restating those undisputed conditions that are still subsisting and capable of taking effect.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3354 GA11; 3354 GA04 Rev A; 3354 GA05 Rev B; 3354 GA07 Rev C; 3354 GA10.
- 2) Within 3 months of the date of this decision, details of surface drainage works shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 1 and 1 in 100 year storm event allowing for climate change to include a full maintenance and management plan. A flood risk assessment should be included as part of the drainage plan. The approved details shall be installed/operational within 3 months of the Local Planning Authority's written approval and the approved management and maintenance plan put in place to ensure its continued function over the lifetime of the development.
- 3) The development shall not commence until details of parking and turning have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be constructed in accordance with the approved details before the development is occupied and shall be maintained for this purpose thereafter.
- 4) Prior to the commencement of superstructure works, full details of soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. Soft landscaping details shall include:
 - Planting plans
 - Written specifications (including cultivation and other operations associated with plant and grass establishment)
 - Schedules of plants and trees, to include native and wildlife friendly species and large canopy trees in appropriate locations (noting species, planting sizes and proposed numbers / densities)
 - Implementation timetables
 - Tree protection measures

All landscaping in accordance with the approved scheme shall be completed/ planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall set out a plan for the continued management and maintenance of the site and any planting which dies, becomes severely damaged or diseased within five years of completion of the development shall be replaced with new planting in accordance with the approved details or an approved alternative and to the satisfaction of the Local Planning Authority.
- 5) Prior to the commencement of superstructure works, details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption

equal to or less than 105 litres per person per day as specified in the pre-assessment submitted with the scheme. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

- 6) Prior to commencement of superstructure works, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall provide for no less than a 35% reduction on the total CO2 emissions arising from the operation of a development and its services over Part L of Building Regs 2013. Should Low or Zero Carbon Technologies be specified as part of the build the location of the plant along with the maintenance and management strategy for their continued operation shall also be submitted. The Energy Statement should outline how the reductions are achieved through the use of Fabric Energy Efficiency performance, energy efficient fittings, and the use of renewable technologies. The development shall be carried out strictly in accordance with the energy statement so approved and maintained as such thereafter.
- 7) Prior to commencement of superstructure works, details of a privacy screen to the sides of the first floor and second floor terraces and balconies shall be submitted to and approved by the Local Planning Authority. The privacy screens shall be installed in accordance with the approved details prior to occupation of the buildings and shall be permanently maintained as such thereafter.
- 8) Prior to the commencement of superstructure works, details of the window design of the north facing first floor level bedroom window within the block of flats shall be submitted to and approved in writing by the Local Planning Authority. The window shall be installed in accordance with the approved details prior to occupation of the block of flats and shall be permanently maintained as such thereafter.
- 9) Prior to the occupation of the development details of the management arrangements of the communal garden space shall be submitted to and approved by the Local Planning Authority. The development shall be provided in accordance with the approved details and maintained as such thereafter.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.
- 11) Notwithstanding Classes A, B, C and E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any amending Order, no buildings or extensions to buildings shall be erected or enacted at the proposed single dwelling house or within its curtilage without the permission in writing of the Local Planning Authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, and excluding the terraces and balconies labelled on the approved plans, no balustrades or other means of enclosure shall be erected on the roof of the development. Excluding the terraces and balconies labelled on the

approved plans, no roof of any part of the extension(s) shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

- 13) The windows at first floor level to serve non-habitable rooms within the flank elevations of the block of flats and the windows at first floor level within the flank elevations of the new house shall be in obscured glass with an equivalent obscuration as level 3 on the Pilkington Obscuration Range and fixed to a height of 1.7 metres above the floor level of the room to which they relate. The glazing shall not be altered without the approval in writing of the Local Planning Authority.