
Appeal Decision

Site visit made on 10 October 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/Q5300/W/22/3290626

Land adjacent to 851-853 Green Lanes, London N21 2RX

- 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 Chris Hide, Saunders Properties Trust Ltd, against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02225/FUL, dated 4 June 2021, was refused by notice dated 5 August 2021.
 - The development proposed was originally described as 3 x 1 bed 2 persons flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the heading above has been taken from the decision notice as it is more accurate than that given on the application form.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, daylight, sunlight and the provision of private amenity space;
 - The effect of the proposed development on the living conditions of the occupants of No 1 Shrubbery Gardens, with regard to sunlight, daylight and outlook; and
 - The effect of the proposed development on nearby trees.

Reasons

Character and appearance

4. The appeal site is located on Shrubbery Gardens and to the rear of 851-853 Green Lanes. The site contains garages which provide visual relief between 1 Shrubbery Gardens and the buildings on Green Lanes due to their height and siting towards the rear of the site.
5. Shrubbery Gardens is generally characterised by similarly designed semi-detached dwellings which display a uniform character. Some properties have

accommodation within the roof and dormer windows. Nonetheless, they are not a prominent feature, and they still read as two-storey dwellings with accommodation within the roof. This part of Green Lanes is generally characterised by two and three-storey buildings with commercial uses to the ground floor, and some buildings have flat roofs.

6. Opposite the appeal site is a two-storey, detached dwelling which is clearly different in character and appearance to the semi-detached dwellings. Having said that, its scale, height and roof form are in keeping with the other residential properties on Shrubbery Gardens.
7. The proposed building would have a greater relationship with Shrubbery Gardens, rather than Green Lanes, because its principal elevation and parking area would front this road. It would have a flat roof which would be of a similar height and footprint to the semi-detached dwellings on Shrubbery Gardens and would be lower than the adjacent building on Green Lanes. Furthermore, bay windows and brickwork have been incorporated to reflect the nearby properties.
8. Nonetheless, the building would read as a three-storey building, with a flat roof, which would be out of character with the roof form and eaves height of dwellings within Shrubbery Gardens. Directly adjacent to the appeal site are single storey buildings to both sides. This would exacerbate the height of the proposed building. Furthermore, the proposed left side elevation contains no architectural details or windows to break up the massing of the three-storey side elevation. Whilst the existing built development would partially screen this elevation, the upper part of the side elevation would be visible from the highway.
9. The design of the proposed building (including flat roof, eaves height, scale and proportions) would have a poor relationship with the generally uniform character of Shrubbery Gardens. It would appear noticeably bulkier than the nearby family-sized, two-storey dwellings. The proposed building would therefore read as an incongruous addition to the street scene which would be at odds with the established pattern of development along Shrubbery Gardens.
10. For these reasons, the proposed development would cause harm to the character and appearance of the surrounding area. Consequently, it would conflict with Policies DMD 6, DMD 8, DMD 37 and DMD 38 of the Council's Development Management Document (2014) (DMD), Policies CP4 and CP30 of the Council's Core Strategy 2010-2025 (2010) (CS) and Policy D4 of The London Plan (2021) (LP). These seek, amongst other matters, to ensure new residential development is of an appropriate scale, bulk and massing which is appropriate to the existing pattern of development. It would also conflict with chapter 12 of the National Planning Policy Framework (the Framework) which seeks to ensure well-designed places and ensure developments are sympathetic to local character.

Living conditions- future occupants

11. The first and second floor flats would have balconies with obscure-glazing privacy screenings, and living wall privacy screens. The ground floor flat would have a wall around its external amenity space. There would be a small gap between the bedroom windows and these screenings/wall. This would result in a poor level of outlook from the bedrooms because the outlook would be

dominated by these enclosures due to the obscure-glazing of the screenings, and solid nature of the wall as well as their height and proximity to the bedroom windows. Furthermore, particularly the ground floor flat bedroom would have poor levels of light because of the small distance between the wall and bedroom window.

12. Each of the flats would have external amenity spaces. However, they would also have a poor level of outlook. The amenity space would feel enclosed and claustrophobic as a result of the obscure-glazing and wall, and their height. Consequently, the development would result in poor quality accommodation.
13. The appellant suggests that the obscure glazing could be replaced with clear glazing which could be achieved through a planning condition. They have provided a photograph to help demonstrate that there are no overlooked residences. Whilst that may be the case, I am not satisfied that a condition would address this main issue as it has not been clearly set out how this would address the concerns relating to particularly the ground floor flat.
14. For these reasons, the proposed development would provide unacceptable living conditions for future occupants, with regard to outlook, daylight, sunlight and the provision of private amenity space. Consequently, it would conflict with Policies DMD 3, DMD 6, DMD 8 and DMD 9 of the DMD, Policies CP4 and CP5 of the CS and Policies GG2, D6, H1 and H10 of the LP. These seek, amongst other matters, to ensure a high standard of accommodation is achieved. It would also conflict with chapter 12 of the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users.

Living conditions- existing occupants

15. No 1 has windows to the side elevation, facing the appeal site. The width of No 1's garage provides a gap between these windows and the appeal site. The Council highlight that on the first floor there are windows serving a bathroom and staircase. The reason for refusal relates to the windows on the ground floor which serves habitable rooms.
16. The overall depth of No 1 is greater than the proposed building and I understand that there are other windows serving these habitable rooms. The trees and vegetation within No 1's garden reduce light to these windows. There are many examples of dwellings within Shrubbery Gardens which have windows to the side elevation that are in relatively close proximity to the neighbouring property, for example with the width of a garage/driveway separating the properties and side windows. Albeit I recognise that the proposal is for a three-storey building.
17. The development would have a greater impact compared to the existing arrangement. However, having considered the character of the area (which includes similar gaps between windows and the side of properties to that proposed), there are other windows which serve these habitable rooms, size of the gap to No 1's windows, existing vegetation and orientation of the sun, the proposal would not cause unacceptable overshadowing or be overbearing or unduly increase the sense of enclosure. Consequently, I am satisfied that the proposed development would not adversely effect the living conditions of the occupiers of No 1 to a degree that would warrant planning permission being refused, particularly in an urban area such as this.

18. For these reasons, and based on the evidence presented, the proposed development would have an acceptable effect on the living conditions of the occupants of No 1, with regard to sunlight, daylight and outlook. Consequently, in this regard, it would not conflict with Policies DMD 6, DMD 8 and DMD37 of the DMD, Policy CP30 of the CS and Policy D4 of the LP. These seek, amongst other matters, to ensure new residential developments preserve amenity in terms of daylight, sunlight and outlook. In this regard, it would also comply with chapter 12 of the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future users.

Trees

19. The proposed building would be in close proximity to existing trees. Residents have highlighted that the fig tree has sentimental value. The appeal site is not located within a conservation area and there are no TPO trees nearby, therefore the trees are not protected.
20. The Council has provided a photograph to demonstrate that the trees form part of a group of trees which are close to the boundary lines of the appeal site, No 1, buildings on Green Lanes and properties on Berry Close. However, the appellant considers this is out of date. They have provided photographs to show the removal of existing habitat and a remaining stump, as well as an extension.
21. Contrary to the Council's suggestion, the nearby trees do not clearly form part of a well-defined line of mature trees. The trees do not significantly contribute to the visual amenity of the surrounding area. In contrast, the street trees are a much more prominent feature of this part of Shrubbery Gardens.
22. The existing garages are located to the rear of the site, close to the trees. It is likely that even without the development proposed there would be conflict between the trees and existing garages. Having considered that the trees are not protected, the limited amenity and biodiversity value of the trees, I am satisfied that this matter could be dealt with by a planning condition and should not be a reason to withhold planning permission.
23. For these reasons, and based on the evidence presented, the proposed development would not have an unacceptable effect on nearby trees. Consequently, it would not conflict with the general aims of Policy DMD 80 of the DMD, Policy CP36 and Policy G7 of the LP. These seek, amongst other matters, to ensure proposals retain and protect trees of amenity and biodiversity value on the site and in adjacent sites that may be affected by the proposals. In this regard, it would also comply with chapter 12 of the Framework which seeks to achieve well-designed places and recognises trees make an important contribution to the character and quality of urban environments.

Other Matters

24. The appellant has drawn my attention to other matters including that the Council has plans for building new dwellings to meet demand and handing over public parks. They highlight that the proposal is on a brownfield site which would provide three, starter homes located close to amenities, transport links and open spaces.

25. I acknowledge the benefits of the proposal, including housing supply and economic benefits. However, given the small scale of the development, the benefits associated with the appeal scheme carry very limited weight. The other matters raised, and benefits of the proposal, do not outweigh the harm identified above.

Conclusion

26. As set out above, the proposed development would have an acceptable effect on the living conditions of the occupants of No 1 and nearby trees. However, the proposed development would cause harm to the character and appearance of the surrounding area and would not provide acceptable living conditions for future occupants, to which I attach significant weight. The benefits associated with the proposed development, and the other matters raised, would not justify or outweigh the harm identified.

27. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L Wilson

INSPECTOR