
Appeal Decision

Site visit made on 20 September 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2022

Appeal Ref: APP/Q5300/W/22/3290273

Land to the rear of 18 Old Farm Avenue, Southgate N14 5QP

- 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 Ajmal Masroor against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/01583/FUL, dated 23 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is a new build house, basement plus 2 storeys, with basement and single storey studio, with off-street parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has changed from the application form to the decision notice. However, that on the application form is adequate and I have considered the appeal on this basis.

Main Issues

3. The first main issue is the effect of the proposal on the living conditions of future occupiers with regard to outlook, daylight and ventilation. The second is whether the proposal would allow for adequate access for emergency/service vehicles. The third is the effect of the proposal on biodiversity interests at the site. The fourth is whether the proposal has addressed potential flood risks. The final main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The bedrooms would be provided at basement level. The outlook from bedroom no. 4, on the side of the proposed dwelling would be especially poor given that the room would only be served by a high-level window onto a shallow well that would be positioned close to the boundary of the site.
5. Further, the accompanying report¹ advises that this room does not meet the Average Daylight Factor (ADF) targets. The evidence therefore indicates that

¹ Daylight and Sunlight Report (within property) Right of Light Consulting January 2022.

this room would suffer from a poor level of outlook and daylight which would have a significant adverse impact on the living conditions of future occupiers.

6. Whilst British Standard EN 17037 has introduced new tests relating to daylighting which replace the ADF test, the report that I have before me is the only technical evidence on the matter and I have therefore afforded it some weight.
7. Given that bedrooms No.s 1-3 would benefit from fuller windows opening out onto patios of a reasonable depth, there is nothing to indicate that the living conditions of future occupiers would be significantly harmed as indicated by the results of the findings of the report. There is nothing to indicate that ventilation would be unsuitable or unobtainable.
8. Nonetheless, the proposal would conflict with Policy DMD 8 of the Enfield Development Management Document (2014) (DMD) and Policy CP 4 of the Enfield Plan Core Strategy (2010) (CS) which amongst other things require high quality design and that new residential development must preserve amenity in terms of daylight and outlook.

Site access

9. The vehicular access to the site from Orchard Avenue is rather awkward and narrow.
10. Despite the width indicated, it is not likely to have much existing vehicular use and the extent to which a future resident could use this access whilst driving a large, modern car is open to question. Whilst convoluted, it is likely that some workable solution to the refuse arrangements could be found, whilst delivery and medical personnel would be likely to have to access the site on foot via the access from Orchard Avenue.
11. With regard to fire service access, it is unlikely that a fire tender could gain access to the site from Orchard Avenue. As an alternative, it is suggested that by utilising Beverley Court, closely to the south-west, the fire service could access to within 45m of the dwelling.
12. However, Beverley Court is a private road and no agreement appears to be in place to use it. The evidence indicates that any possible agreement rests on reaching a final agreement on access value, overage clause, removal of garage units and other formalities. It cannot therefore be certain that access could be secured.
13. Therefore, there is nothing within the evidence to indicate that the fire service could gain suitable access to the site which would adversely affect the safety of future residents. The proposal would subsequently fail to accord with Policy DMD 47 of the DMD which amongst other things states that new development will only be permitted where safe and functional provision is made for emergency service vehicles.

Biodiversity

14. At the time of my visit the site appeared to have been cleared in comparison to an earlier photograph presented within the evidence which shows dense tree cover on the site.

15. Nonetheless, there had been some re-growth at the site and there were areas of the site including a mound of concrete blocks that may still provide some habitat for biodiversity interests. Further, the site is linked to other nearby garden land which could support habitat and does not sit in isolation.
16. There is no detailed information on biodiversity interests within the evidence. Therefore, it is not possible, without a baseline assessment, to understand whether the habitat improvements that are presented within the landscape strategy² (which post-dates the application date) would protect or improve the situation for biodiversity interests at the site.
17. The proposal would therefore conflict with Policy CP 36 of the CS which states amongst other things that the Council will seek to protect, enhance, restore or add to biodiversity interests within the Borough. There would also be conflict with Policy G6 of the London Plan (2021) (LP) which amongst other things states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. It states that this should be informed by the best available ecological information and addressed from the start of the development process.
18. The proposal would also therefore conflict with guidance in the Framework³ which states amongst other things that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Flood Risk

19. The evidence includes a report⁴ which indicates that there is a very low risk of river flooding, a low risk of surface water flooding and a very low risk of groundwater flooding.
20. Without any substantive information to the contrary, I therefore consider that this report adequately considers the issue of flood risk at the site. I note particular concern with regard to groundwater flooding with regard to the proposed basement accommodation.
21. However, mitigation measures are proposed within the report to help to eliminate risk and there is no evidence before me to indicate that groundwater flooding is a particular issue at the site.
22. On the basis of the information before me at this time, including with regard to risk of groundwater flooding I consider that potential flood risks have been adequately addressed.
23. The proposal therefore accords with policies DMD 59, DMD 60, DMD 61 and DMD 62 of the DMD, Policy CP 21 of the CS and Policies SI 12 and SI 13 of the LP which all broadly seek to protect sites and other land from flood risk.

Character and appearance

24. Whilst the area is generally formed of traditional and well-established semi-detached dwellings this back-land plot is not overly obvious from public

² 18 Old Farm Lane, Southgate, Landscape Strategy, December 2021 by Reed Studio.

³ National Planning Policy Framework 2021 Para. 174.

⁴ Drainage Strategy Report by AC DESIGN SOLUTIONS LIMITED dated January 2022.

viewpoints and is surrounded by development of more limited quality including flat roofed garages close to the site.

25. The design response is interesting and seeks to work within the constraints of the plot. While the design would be dramatically different from the established form of development, it would appear as an interesting building that does not seek to overdevelop what is a well sized plot of land.
26. There would therefore be no adverse impact on the character and appearance of the area as a result of the scheme. The proposal would not therefore conflict with policies GG1, GG2, D3 or H2 of the LP, policies DMD 6, DMD 7, DMD 37, DMD 38 of the DMD and policies CP2, CP4 and CP30 of the CS which broadly require well design development that is appropriate to the character and appearance of the area in which it would be situated.

Other Matters

27. I appreciate that sometimes reduced levels of outlook and daylight can be expected in an urban area, but the levels on offer with regard to bedroom no.4 are not reasonably justified given the reasonably low-density of the area and the well sized plot on which the development would be constructed. The dwelling would contribute to housing supply, but this contribution would only be very modest.

Planning Balance

28. The Housing Delivery Test (HDT) indicates that the delivery of housing within the borough has been below the housing requirement over the past three years. In these circumstances footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The site is not within a protected area.
29. Whilst I accept that there would be economic and social benefits associated with the provision of the scheme and acknowledge the HDT figures, I have identified multiple adverse impacts associated with the proposal. When considered together, I afford these adverse impacts, which are on multiple fronts, significant weight.
30. Consequently, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

31. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR