



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: 17 November 2022

Appeal Ref: APP/Q5300/W/21/3287205
598 & 600 Hertford Road, Enfield, N9 8AH

- 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 R Dice against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/01456/FUL, dated 16 April 2021, was refused by notice dated 9 July 2021.
 - The development proposed is described as "*retention of extensions at No 598 & 600 Hertford Road as built*".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to two properties at 598 & 600 Hertford Road, Enfield, N9 8AH in accordance with the terms of the application, Ref 21/01456/FUL, dated 16 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: LDP/461/01/B; LDP/461/02A; LDP/461/03A; LDP/461/04A Proposed Block Plan; LDP/461/04A Existing Floor Plans; LDP/461/05A; LDP/461/06A; Site Location Plan.
 - 2) Within 3 months of the date of this decision, a sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 3 months of the Local Planning Authority's written approval and shall thereafter be retained.
 - 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the extension shall only be used in connection with the existing retail shop (600) and social club (598) and not for any other purpose.

Procedural Matters

2. The description of development given in my formal decision is taken from the Decision Notice and appeal form, rather than the planning application form. This is because the latter description refers to the "retention of" the proposed extensions. However, s55 and s73A of the Town and Country Planning Act (1990) (as amended) define 'development' as the carrying out of building operations or material changes of use, and not as their retention or continuation.

3. The submitted plans indicate that the development is to extend an existing social club (at No 598) and an existing retail unit (at No 600). However, it is alleged by an interested party that the extension to No 598 is in fact used for vehicle repairs. In these circumstances, I must determine the appeal based on the submitted drawings and details. In this regard, the submitted floor plans (Ref LDP/461/01/B) were considered by the Council when it determined the application and were also submitted with the appeal. In the event that the appeal site is being used for a different purpose than is indicated, then that would be a separate matter between the Council and the appellant.

Main Issues

4. The main issues are:
- (a) The effect of the development on the character and appearance of the area;
 - (b) The effect of the development on the living conditions of neighbouring occupiers with regard to outlook and safe access;
 - (c) Whether the development would make adequate provision for drainage;
 - (d) Whether the development would make adequate provision for refuse storage; and
 - (e) Whether the development would make adequate provision for sustainable design and construction.

Reasons

Character and appearance

5. The development is located to the rear of a shopping parade that fronts onto Hertford Road. The rear of the parade is not uniform in appearance, and it has been subject to numerous alterations and additions. It partly functions as a servicing area but also includes residential amenity areas, parking spaces, and access stairways to the properties above at first and second floor level.
6. The extension to the rear of Nos 598 and 600 is comparable in depth to the structures that it replaced (although it is not clear whether these were lawful). It has limited visibility from along Hertford Road itself and is most prominent in views along the rear of the parade, and from the footpath to the north.
7. At the rear of the parade, the extension is partly screened in longer views by boundary fencing, parked cars, planting and other extensions. Given this screening, the highly varied character at ground floor level, and the development's position at the end of the parade, it does not appear out of keeping in my view. Whilst the angular stairwell cover is visually distinct, it is relatively modest in scale and is seen together with other stairways along the rear of the parade. It does not appear incongruous in this context.
8. The extension is more prominent in views from the footpath to the north. However, it is only visible from along a relatively short section of the path, and it appears subservient in height from these views. It is finished in render which is in keeping with the side elevation of the host property, and it provides screening of the rear of the parade which has an untidy appearance. It does not result in any significant visual harm to the surrounding area in my view.

9. For the above reasons, I conclude that the development does not significantly harm the character and appearance of the area. It therefore accords with Policy D4 of the London Plan (2021), Core Policy 30 of the Enfield Core Strategy (2010), and Policy 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.

Living conditions – adjoining occupiers

10. The development has extended the building closer to the side elevation of Nos 1 and 3 Sandhurst Road. However, the extension is single storey in height, and it still retains a significant gap to the side elevation of those properties. Moreover, all of the nearest ground floor windows in the side elevation of Nos 1 and 3 are obscurely glazed and so the effect of the development on the outlook from those rooms would be limited.
11. The upper floors of the shopping parade take access from the rear via a series of narrow metal staircases, as I observed on my site visit. The staircase to the properties above the development has been realigned following the construction of the extension and it now is accessed via a lockable door and a route across the roof. The width of this route is comparable to the stairway it replaced, and the lockable door provides an additional degree of security. The route over the roof of the extension is also enclosed by railings and is away from the edges of the building. Moreover, given that the occupiers of these properties would have a key to this door, which would be needed to access their properties, I do not consider that it would lead to any significant fire safety risk.
12. For the above reasons, I conclude that the development does not significantly harm the living conditions of neighbouring occupiers with regard to outlook and safe access. It therefore accords with Policies DMD8 and DMD10 of the Enfield Development Management Document (2014), which seek to preserve neighbour amenity.

Drainage and flood risk

13. No details of the proposed drainage arrangements have been provided. However, from the submitted images, the site appears to have largely consisted of hardstanding prior to the construction of the extension. Moreover, the appellant has suggested measures, including a green roof and water butts, that could be retrofitted in order to address run off. In these circumstances, I am satisfied that this matter could be dealt with by condition.
14. For the above reasons, I conclude that the development would provide for adequate drainage arrangements. It would therefore accord with Policies SI 12 and SI 13 of the London Plan (2021), Core Policy 21 of the Enfield Core Strategy (2010), and Policy DMD 61 of the Enfield Development Management Document (2014). These policies seek to ensure, amongst other things, that development proposals provide for surface water management.

Refuse storage

15. No details have been provided regarding the location of refuse and recycling storage containers. However, there is sufficient space either within or alongside the extension to accommodate refuse storage for a development of this size. Moreover, the rear of the parade has the character of a service area,

and there were numerous bins stored along it at the time of my site visit. In this regard, there is no evidence before me to suggest that the existing arrangement results in any significant harm to the surrounding area.

16. I conclude that the development would make adequate provision for refuse storage. It would therefore accord with Policy D8 of the London Plan (2021), and Policies DMD 37 and DMD 47 of the Enfield Development Management Document (2014). These policies seek to ensure, amongst other things, that development provides appropriate waste storage arrangements and avoids unnecessary street clutter.
17. The Decision Notice also refers to conflict with Policies D1, D4, SI 7, and SI 8 of the London Plan, Core Policy 30 of the Enfield Core Strategy, and Policies DMD 8 and DMD 57 of the Enfield Development Management Document in relation to this main issue. However, these policies do not relate to refuse storage arrangements and so are not directly relevant to this matter.

Sustainable design and construction

18. Policy DMD 49 of the Enfield Development Management Document (2014) requires that all new development be accompanied by a Sustainable Design and Construction Statement. In this case, however, no such document has been submitted.
19. The development comprises a relatively small commercial extension, with full width roller shutters at the rear. No measures have been suggested that could be retrofitted to it and from the information before me it is unclear what, if any, remedial works could be undertaken to address this matter. Moreover, no condition has been put forward by the Council in this regard. I further note that the application was validated without a Sustainable Design and Construction Statement.
20. Notwithstanding this, in the absence of a Sustainable Design and Construction Statement there is conflict with the requirements of Policy DMD 49 of the Enfield Development Management Document (2014), and Core Policy 20 of the Enfield Core Strategy (2010). However, any harm arising from this conflict would be minor given the limited scale of the proposed extension and its intended use. Moreover, and as set out above, I do not consider that any other significant planning harm would arise. In these circumstances, the conflict with Policy DMD 49 would be outweighed by the lack of significant harm in this case. Accordingly, I attach only limited weight to this policy conflict.
21. Separately, Policy DMD 55 of the Enfield Development Management Document (2014) requires that new build developments use all available roof space for the installation of low zero carbon technologies, green roofs, and living walls. However, the installation of a green roof could be secured via a condition requiring the submission and approval of a sustainable drainage scheme. Accordingly, there would be no conflict with this policy.
22. The Decision Notice also refers to conflict with Core Policy 25 of the Enfield Core Strategy in relation to this main issue. However, this policy relates to pedestrians and cyclists and so is not directly relevant to this matter.

Conditions

23. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. I have imposed a condition that requires the development to accord with the approved plans, which is necessary in the interest of certainty. A further condition relating to drainage is necessary to ensure that the development is appropriately drained. There is a strict timetable for compliance with this condition because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of this before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met. Finally, a condition restricting permitted changes of use is necessary to protect the living conditions of neighbouring occupiers, given the proximity of the extension to residential properties.
24. The Council also suggested a condition that would have required matching materials to be used. However, the development is retrospective in nature and has already been finished in render which is similar to the side elevation of the host building. Such a condition is therefore unnecessary.

Conclusion

25. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR