



Appeal Decision

Site visit made on 14 November 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/Q5300/W/22/3292861

217 Bramley Road, Southgate N14 4XA

- 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 Mihai Ghertan against the decision of London Borough of Enfield.
 - The application Ref 21/02900/FUL, dated 26 July 2021, was refused by notice dated 18 January 2022.
 - The development proposed is described as change of use from estate agent (A2) to cafe (A3) involving two storey rear extension with basement level to allow for a B1/C3 live/work unit and installation of extractor flue (Retrospective).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Mihai Ghertan against London Borough of Enfield, which is the subject of a separate Decision.

Preliminary Matters

3. As I observed at my site visit, a two-storey extension has already been constructed at the appeal property. As the application drawings and associated information significantly changes this constructed extension, I have considered this appeal on the basis of the submitted drawings and information.
4. The Council is taking enforcement action against the currently constructed two-storey extension. An appeal against an enforcement notice is not before me. I have considered this appeal solely on the basis of the planning application refusal.
5. I note that reference is made to the 2019 revision of the National Planning Policy Framework (the Framework) through the various documents submitted. I have determined the appeal within the context of the current, 2021, revision and consider that there would be no prejudice to the parties.
6. With this appeal, the appellant has submitted '217 Bramley Road, N14, Daylight and Sunlight Assessment for Planning', Ref 4043 dated August 2021 issue 1. This provides a daylight and sunlight assessment in accordance with the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' and the recommendations in BS:8206: Part 2: 'Lighting for Buildings - Code of Practice for Daylighting'.

7. I have considered whether those who should have been consulted on the daylight and sunlight assessment would be disadvantaged should I accept it. As this information provides further clarification on the daylight and sunlight effects rather than changing the proposal, and all parties have had the opportunity to comment on this through the appeal process, I do not consider that any interests would be prejudiced if I take this information into account. I have therefore determined this appeal on the basis of this additional information.

Main Issues

8. The main issues are the effect of the proposed development on:
- the character and appearance of the area;
 - the living conditions of the neighbouring occupiers of 215A and 217A Barnsley Road regarding outlook and light; and
 - the living conditions of future and neighbouring occupiers regarding noise.

Reasons

Character and appearance

9. 217 Bramley Road (No 217) sits at the prominent corner of the terrace with South Lodge Drive. Bramley Road consists of a terrace row of three storey high properties with mainly commercial units at ground floor and residential flats above. With the exception of the appeal site, the terrace row steps down in height to the rear with a first-floor walkway to the flats. There is a mix of typically single storey extensions, outbuildings and garages with some associated service yards and parking behind the commercial units. A service road, which provides direct access to South Lodge Drive and Prince George Avenue, runs to the back of these rear areas. Beyond the service road and to South Lodge Drive and Prince George Avenue, the area is predominantly residential, consisting of two storey semi-detached properties.
10. Prior to the construction of the two-storey extension, the original rear extension was shorter in length and only single storey in height. It ran along the edge of South Lodge Drive's footpath but stopped at a staircase which provides access to the first-floor walkway and flats.
11. The proposal would add a two-storey extension, with basement to the rear of the first-floor walkway. Its basement and ground floor would be similar in size to the constructed extension. However, at first floor its full length height, and width at the rear elevation would be reduced, and an outdoor balcony added. This extension would have a flat roof and incorporate a kitchen vent/flue. The proposal would retain the existing staircase and generally follow South Lodge Drive's footpath. It would incorporate refuse bins and cycle storage in the retained yard area at the rear of the site.
12. The proposed extension would be lower than the extension as built. However, due to its larger footprint and two storeys it would appear as a large and obtrusive extension in this prominent location. The balcony would be an incongruous addition to the most visible elevation and even with the modest use of planting to the exterior of the building, greenery to the balcony and green fence to the vent, the imposing effect of the building would not be

reduced. The proposal would result in extending the large commercial frontage further towards the residential area which would adversely affect the character and appearance of the terrace and residential area.

13. An example of a similar development, 110–114 Cockfosters Road, is detailed in the Design and Access Statement. However, this example is set back further from the road and site boundary. Consequently, it is not directly comparable to the appeal scheme and has not influenced my reasoning.
14. Consequently, the proposal would conflict with Policy CP30 of the Enfield Plan Core Strategy 2010-2025 (CS), Policies DMD8, DMD11 and DMD37 of the Enfield Council's Development Management Document (DMD) and Policies D1 and D4 of the London Plan 2021 (London Plan). Together these policies seek, amongst other matters, to ensure development is to a good design, high quality, builds on the positive characteristics of the area and be of an appropriate scale, bulk and massing.

Outlook and light

15. The windows and entrance doors of the first-floor flats at No 215A and No 217A would directly face the proposals first-floor front elevation of the flat which would front the walkway. However, there would only be a modest increase in the height of the wall facing the flats compared to the existing parapet barrier. As there is reasonable separation between the flats and the wall, the wall would not be overly dominant or overbearing. Furthermore, impact on the occupants' outlook would be negligible with relatively good clear views over the front end possible. The extractor system would be located above the flat roof towards the rear end of the proposal and would be partly screened. A section of flue would be visible above the screening, but this would be a very narrow feature in the skyline and not be imposing. Overall, the outlook from the flats would not be unacceptably affected.
16. The appellant has provided a daylight and sunlight assessment which considered the impact on No 215A and No 217A and 2 South Lodge Drive (2 No). This confirms that the proposal would comply with the BRE Digest 209 recommendations with regard to Vertical Sky Component for daylight impacts and Annual and Winter Probable Sunlight Hours for sunlight impacts. The Council do not dispute the findings of the report.
17. Due to the modest increase in the height of wall facing No 215A and No 217A and the good separation between the proposal and No 2, the effects on daylight and sunlight would not be expected to be significant. The daylight and sunlight assessment confirms this, and I therefore see no reason to question its findings. On this basis daylight and sunlight to nearby properties would not be unacceptably harmed by the proposal.
18. In conclusion, the proposal would not adversely affect the living conditions of the neighbouring occupiers of 215A, 217A and No 2 with regard to outlook and light. The proposal would not conflict with Policies CP2 and CP4 of the CS and Policies DMD8, DMD11 and DMD37 of the DMD. These policies seek, amongst other matters, for development to be to a good design, achieve high quality and preserve amenity in terms of daylight, sunlight and outlook.

Noise

19. The proposal would incorporate a new first floor residential flat and there are existing flats and housing nearby. As there would be a kitchen extraction system fitted to the roof then there would be a risk of noise disturbance to the occupants of these properties. Little detail concerning the design and specification of the extraction system details has been provided.
20. The appellant has requested that a suitably worded condition be imposed to secure the undertaking of a noise assessment. Potential noise from the extraction system is raised by the Council's Environmental Health team and they propose an appropriately worded planning condition. However, as there is no certainty that appropriate noise levels, even with mitigation, could be achieved, and there are legitimate concerns regarding the proximity of the proposed extraction system to sensitive residential properties, I consider a precautionary approach should be applied in this situation.
21. Accordingly, in the absence of further details, I conclude that the proposal would cause unacceptable harm to the living conditions of the occupiers of the new and nearby existing residential properties. This would conflict with Policy CP32 of the CS and Policies DMD29, DMD32, DMD37, DMD64, DMD65, and DMD68 of the DMD and Policy D14 of the London Plan. Amongst other matters these policies require development to be to a good design, high quality, minimise noise pollution; be sensitively designed to reduce noise exposure, including for a change of use to a restaurant, and avoid an adverse impact on the amenities of nearby occupiers.

Other Matters

22. The appellant refers to concerns regarding pre-application advice, the Council's time to determine the application and lack of communication. In relation to pre-application discussions, I am mindful that this is informal and not binding. The determination period and lack of communication are procedural matters between the appellant and the Council and do not affect the planning merits of the case.

Conclusion

23. While the proposed development would not unacceptably harm the living conditions of future and neighbouring occupants with respect to outlook and light, I have found the proposal would harm the character and appearance of the area and the living conditions of future and neighbouring occupants in relation to noise and disturbance. I therefore conclude that the appeal should be dismissed.

J Symmons

INSPECTOR