



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: 11 January 2023

Appeal Ref: APP/Q5300/W/22/3294665

Former Garages, Lansbury Way, Edmonton N18 1DB

- 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 Andrew Bantock against the decision of London Borough of Enfield.
 - The application Ref 21/02310/FUL, dated 11 June 2021, was refused by notice dated 27 January 2022.
 - The development proposed is the erection of a new 2 bedroom detached residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant refers to positive pre-application discussions with the Council. However, I am mindful that pre-application discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal planning process. I have proceeded accordingly.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers having regard to internal and private external space;
 - the living conditions of the neighbouring occupiers of 37 Lansbury Avenue with particular regard to outlook and light;
 - highway safety; and
 - trees.

Reasons

Character and appearance

4. The appeal site is a long and narrow strip of land adjacent to No 37 Lansbury Avenue (No 37) at the junction of Lansbury Avenue with Lansbury Way. Lansbury Avenue and the surrounding areas are predominantly residential in nature and characterised by traditional two-storey terraced and semi-detached properties which have pitched and hipped tiled roofs. The majority of properties have front gardens and drives, which creates space and openness in the character and appearance of the area. The properties have conventional fenestrations and while there are some variations in the design of the buildings,

overall there is still a relatively good consistency and uniformity in their pattern, size and form.

5. In contrast, Lansbury Way has very few properties facing it other than those near to the junction with Wilbury Way. While the hoarding of the appeal site and the nearby walled substation dominate one side of the road, the remaining areas are relatively well setback and consist of properties side elevations separated from the road by gardens and low fencing and walls. Even with the substation and appeal site's high fencing and walling, the buildings setback opposite and gardens with low boundary treatments create a relatively spacious and open aspect to this corner.
6. The proposal is for a detached two bedroomed dwelling.
7. The appellant has brought to my attention previous proposals¹ for residential development on the appeal site that were unacceptable to the Council. However, the proposed development differs to those schemes in that it would be a contemporary design which would set the building away from the edge of Lansbury Way, create an active frontage to Lansbury Way and move the off-street parking away from Lansbury Way. Therefore, I have considered the proposal before me on its own planning merits.
8. As such, the proposal's narrower and more contemporary block and fenestration design would be radically different and would clearly contrast with the existing more traditional surrounding properties. Its flat roof would add to the discordant appearance. Even with its nominal setback from Lansbury Way and low level planting, the scale and mass of the two-storey and single storey rear extension with high garden fence would dominate and significantly unbalance the appearance of the immediate surrounding area.
9. Overall, given my findings above, the proposal would introduce a dominant and bulky, contemporary-style development which would harm the spacious, traditional and uniform character and appearance of the area.
10. Consequently, I conclude that the proposal would adversely affect the character and appearance of the area. It would conflict with Policy CP30 of the Enfield Plan Core Strategy 2010-2025 (CS), Policies DMD6, DMD8 and DMD37 of the Enfield Council's Development Management Document 2014 (DMD), Policies D1, D3 and D8 of the London Plan 2021 (London Plan) and paragraph 130 of the National Planning Policy Framework (the Framework). Together these seek, amongst other matters, that development should build on the positive characteristics of an area, be appropriate to the surroundings and be to a high quality design.

Living conditions of the future occupiers

11. Policy DMD8 of the DMD requires residential development to provide adequately sized rooms in accordance with the London Housing Design Guide. Since the DMD was adopted, Policy D6 of the London Plan has been published, which sets out, amongst other matters, the minimum standards for internal and private external space for dwellings of different size and occupancy. The Technical Housing Standards – Nationally Described Space Standards 2015 (NDSS) also sets out minimum required internal floor space. The Mayor of

¹ 18/04769/FUL, and 18/04770/FUL

London Housing Supplementary Planning Guidance 2016 (SPD) sets out that all new dwellings should meet the NDSS.

a) external space

12. The appellant confirms that an external rear area of 28m² would be provided and the Council do not dispute this figure. Therefore, notwithstanding the relatively high walls, I am persuaded that the dwellings would have an adequate private outdoor space that could be secured by condition. The proposal would also meet the provisions of Part M, Volume 1 of the Building Regulations.

b) internal space

13. However, from the evidence before me, the proposal would have two similarly sized bedrooms that could accommodate double beds. As such, even if some future occupiers preferred single occupancy in one of the bedroom spaces, in my view, the dwelling would be a four person dwelling. Therefore, as the London Plan and NDSS set out the minimum gross internal floor area (GIA) for a two storey, two bedroom, four person dwelling as 79m², the proposal's 72m² GIA would not meet this requirement.
14. I note that the appellant refers to the proposal meeting the Emerging Local Plan Policy D4 (designing for a sustainable safe and inclusive borough). However, no details of what stage this policy document is at has been provided and as such the policies may be subject to further change. Consequently, I attach very limited weight to the emerging plan policies and conclude that the proposed space standards for the dwelling would harm the living conditions of future occupiers.
15. It follows then, when considered as a whole, that the proposal would be contrary to Policy CP4 of the CS, Policy DMD8 of the DMB, Policy D6 of the London Plan, SPD and the NDSS. These, amongst other matters, seek new development to be to a high quality design and sustainability, taking into account the design and construction policies and sustainable design and construction guidance set out in the London Plan. The proposal would also not comply with paragraph 130(f) of the Framework which seeks to ensure developments create places with a high standard of amenity for future users.

Living conditions of the neighbouring occupiers

16. The living conditions of the occupiers of No 37 were considered in the previous proposal² for residential development on the appeal site that was unacceptable to the Council. I acknowledge that the proposed development differs to this scheme in that it would have a single rear extension which would have lesser effect on the sunlight to No 37's rear garden.
17. However, even though the effect of the proposal on the amount of sunlight to the rear of No 37 would be limited as a consequence of its orientation to the west, it is likely that some increased overshadowing of the gap between the dwellings would occur. This would result in gloomy living spaces behind the rear doors and window of No 37 during certain times of the day or darker months of the year.

² 18/04770/FUL

18. The Council note that the gap between the proposal and No 37, would be approximately 3.55m and this is not disputed by the appellant. While there is an existing high boundary wall, which is topped with unsightly barb wire fencing, on the common boundary, I noted at my site visit that it is not overly dominating or overbearing to No 37.
19. However, due to its two-storey height and proximity, the scale of the proposed development would cause an enclosure of the gap with No 37. It would result in a highly dominating and overbearing feature to the occupants of No 37, especially when viewed from the property's main front and rear garden doors or when they are making use of the garden space.
20. I conclude therefore, that the proposal would harm the living conditions of the existing occupiers at No 37 with particular regard to outlook and light and that it would be contrary to Policy DMD8 of the DMD which seeks, amongst other matters, to protect residential amenity for neighbouring residents. Similarly, it does not meet the aims of the Framework when read as a whole.

Highway safety

21. The proposal would include a crossover for an off-road parking space for the new dwelling.
22. The crossover would be on a cul-de-sac section of the unclassified Lansbury Road. Although the proposed crossover would be located within 10 metres of the junction with Lansbury Way it is unlikely that daily traffic movements in this location would be high enough to trigger the threshold to justify a new crossover as set out in Policy DM46 of the DMD. Indeed, I have limited evidence before me to persuade me otherwise.
23. Moreover, given the size of space provided it is likely that larger cars would overhang the footway and cause an obstruction and hazard to pedestrians. Furthermore, the submitted drawings show that when a car is parked on the driveway, direct access between the cycle storage and Lansbury Avenue would be blocked.
24. In addition, I observed at my visit, that vehicles emerging from the proposed driveway would have to contend with traffic coming from a number of directions as well as pedestrians using the footway. This would create a rather complicated and hazardous arrangement, especially if vehicles using the driveway were to reverse out into moving traffic. While boundary walls to the driveway would be under 1m in height, the visibility between the emerging vehicle and the vehicles and pedestrians on the adjoining road and footway would be limited.
25. In support of the case, the appellant contends that traffic speed and the number of vehicles on this section of Lansbury Avenue would be extremely low and the movements associated with the proposal limited. Nonetheless, while the positioning of the crossover and driveway may have been designed to be attractive, convenient, suitable for use by electric vehicle/ultra-low emissions vehicles and seeks to negate the impact of on-street parking, I have minimal evidence before me to persuade me that this would be the case. I conclude therefore, that the proposal would harm highway safety.

26. It is noted that 35 Lansbury Avenue (No 35) has a crossover directly onto the junction with Lansbury Way, this property has a more open driveway than the proposal which allows better road and footpath visibility. In terms of other examples, I do not have the full details of these schemes and cannot be certain that the circumstances are the same. In any case, these do not overcome the harm I have found.
27. In conclusion to highway safety, the proposal fails to demonstrate that appropriate access and vehicle parking would be provided to prevent harm to highway safety. It would therefore conflict with Policy CP25 of the CS and Policies DMD45, DMD46 and DMD47 of the DMD. It would also be contrary to T4, T5 and T6.1 of the London Plan and Enfield Council's Revised Technical Standards for Footway Crossovers (excluding Heavy Duty Crossovers) 2013. Taken together these policies and guidance document, amongst other matters, seek for development to have an appropriately sited access and have no adverse impact on highway safety.
28. For similar reasons the proposal does not meet the aims of paragraph 111 of the Framework which is clear that development should be refused if there would be an unacceptable impact on highway safety.

Trees

29. While the appeal site is clear of established trees, I observed at my site visit that there are two located on the common boundary within No 37's garden. As such, as an arboricultural assessment did not form part of the appellant's submission, I cannot be certain whether the verdant qualities of the trees will be harmed by the proximity of the proposal or not. Therefore, in the interests of caution, I am not persuaded that the trees would not be adversely affected by the proposal or that harm to the visual amenity of the area would be averted.
30. Accordingly, in regard to this issue the proposal would conflict with the requirements of Policy CP31 of the CS, Policies DMD80 and DMD81 of the DMD, and G7 of the London Plan. These policies seek, amongst other matters, to ensure developments retain, preserve and protect existing landscape and trees.

Other Matters

31. I acknowledge that the appeal site is currently unattractive and poor in appearance and the appellant's comments with regard to the effect on the area by a consented scheme at No 35 Lansbury Avenue. These are noted. However, these matters do not lead me away from my conclusion on the main issues or the harm I have found above.
32. The appellant refers to Policy H4 of the London Plan regarding the valuable contribution two-bedroom properties can provide. However, this policy relates to delivering affordable housing which would not be applicable for the proposal.
33. While consultation with local residents raised no objections and local councillors may have shown support for the proposed development this does not in itself render the scheme acceptable, and I must determine the appeal with regard to the planning merits of the case.

Planning Balance and Conclusion

34. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. However, I have found the proposal would harm the character and appearance of the area; the living conditions of the future occupants; the living conditions of the neighbouring occupants; highway safety and trees. While the proposal would provide economic benefits associated with construction and in the materials supply chain and environmental improvements related to brownfield regeneration, it would only result in the creation of a single dwelling. I therefore consider that the harm caused by the proposal would not be outweighed by the benefits of providing the additional dwelling.
35. For the reasons given above, there are no relevant material considerations, including the Framework, that would indicate a decision otherwise in accordance with the development plan. I therefore conclude the appeal should be dismissed.

J Symmons

INSPECTOR