



Appeal Decision

Site visit made on 6 December 2022

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2023

Appeal Ref: APP/Q5300/D/22/3306155

13 Essex Road, Enfield EN2 6TZ

- 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 Felix De Palma against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02293/HOU, dated 28 June 2022, was refused by notice dated 25 August 2022.
 - The development proposed is a new dropped kerb and driveway, drive to be permeable surface in accordance with SuDS.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the Enfield Town Conservation Area; and
 - highway safety in respect of vehicular access arrangements at the site.

Reasons

Character and appearance

3. The appeal property is in the Enfield Town Conservation Area ('the Conservation Area'). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of this area as a designated heritage asset.
4. Essex Road has a quiet, pleasant, mature suburban character despite its proximity to Enfield town centre. Generally, the buildings are set a short distance back from the highway, many have private driveways, and most front garden boundaries are defined by low walls. The street is dominated by mature street trees set within and between short and distinctive evergreen hedges that separate the footways from the carriageway. These hedges provide features of interest along the street which, despite their generally low height, are prominent because of the otherwise largely open aspect presented by the low front garden boundaries, and their position immediately adjacent to the carriageway. This is particularly the case at the front of the appeal site which is a corner plot at the junction with Sydney Road.
5. The Enfield Town Conservation Area Character Appraisal (February 2015) ('the Appraisal') notes that Essex Road is one of the principal examples of a

well-defined residential area from the late nineteenth century. The appeal property is identified as making a positive contribution to the area. Additionally, Essex Road sits within a small, clearly defined and compact residential sub-area identified as The New Town.

6. Pleasant views are achieved along Essex Road towards Enfield Town Park which is accessed at the end of the street. The verdant nature of the attractive public realm makes a positive contribution to the pleasing experience of passing along the street to or from Enfield Town Park. Trees and hedges are evident in or alongside the highway elsewhere in the vicinity. The trees and hedges near the site and along Essex Road contribute positively to the significance of the Conservation Area, which is derived in part from these features and from the age, design and layout of the buildings and streets.
7. The proposal would result in the loss of a substantial section of the hedge in the highway where a vehicle crossing point would be created. This would leave small, truncated and awkward-looking sections of hedging to the sides of the vehicle crossing point. These would appear isolated and at odds with the general extent and rhythm of hedges along this section of Essex Road. The loss of this valuable section of hedge to facilitate the construction of a vehicle crossover in this prominent location would harm and thus fail to preserve or enhance the character or appearance of the Conservation Area.
8. On this main issue I find that the proposed development would harm the character and appearance of the Enfield Town Conservation Area. Accordingly, it conflicts with Policy HC1 of The London Plan (March 2021), Core Policies 30 and 31 of the Enfield Plan Core Strategy 2010 – 2025 (November 2010) ('the Core Strategy') and Policies DMD 37, DMD 44 and DMD 46 of the Improving Enfield Development Management Document (November 2014) ('the DMD'), all of which seek to resist development that is inappropriate to its context and that fails to conserve the significance of designated heritage assets. The Council's reasons for refusal refer to conflict with the Appraisal, but that document does not set out specific requirements and thus I find no conflict with it directly.

Highway safety

9. Parking and waiting restrictions are in place on both sides of Essex Road other than in the location of the resident on-street parking bays, all of which are on the opposite side of the street to the appeal property and further along the carriageway towards Enfield Town Park. This section of Essex Road allows two-way traffic, but Raleigh Road and Sydney Road, and the section of Essex Road leading from its junction with Sydney Road to the A105 London Road, are all one-way streets. Vehicles driving into this section of Essex Road must either approach from Raleigh Road or via an acute angled manoeuvre from Sydney Road. Either approach would be undertaken at low speed and with caution because drivers would either be approaching the well signed junction with Sydney Road or turning at a tight angle into Essex Road from that street.
10. The appeal property is in an established residential area where several houses have dropped kerbs serving driveways. Cars parked on those driveways are easily visible from the carriageway due to the generally open nature of the front gardens. Highway users would reasonably expect to encounter vehicle movements to and from readily visible drives serving the properties in Essex Road and would ordinarily be expected to act with due caution. Having regard to the one-way system and the relatively short section of Essex Road within

which the appeal property sits, it is unlikely that a significant volume of passing traffic enters the street. I saw few vehicle movements past the appeal property during my site visit and vehicle speeds were low.

11. Although the proposed access would be relatively close to the junction with Sydney Road, vehicles entering or leaving the appeal property would be readily visible to pedestrians and cyclists using Essex Road due largely to the width of the footways and the open or low bounded adjacent front gardens. Similarly, drivers entering or leaving the proposed hardstanding would have sight of pedestrians and cyclists for the same reason, even when reversing.
12. Whilst I have not been provided with confirmation of the status of the Council's Revised Technical Guidance for Footway Crossings (April 2013) ('the Technical Guidance'), visibility splays would be provided to generally accord with the Technical Guidance. Given the characteristics of vehicle movements in the area and the space available for the movement of people and vehicles in the highway I am satisfied that, in these specific circumstances, the visibility splays would be adequate.
13. I note the Council's concern regarding the appellant's or future occupiers' authority to control the height of the hedges in order to maintain adequate visibility splays. However, the hedges are acknowledged as being within the public highway and their maintenance in the interests of highway safety would be the responsibility of the Highway Authority.
14. The Council describes its detailed concerns regarding compliance with the criteria in Policy DMD 46 of the DMD. However, the proposal would not have an adverse impact on road safety (criterion d.), it would not impede the free flow and safety of traffic (criterion e.), and vehicles could enter or exit the crossover in forward gear (criterion f.).
15. An existing vehicular access exists at the bottom of the rear garden. In this respect the proposal does not meet criterion g. which requires a demonstration that there are no alternative opportunities for safe vehicular access to the property. However, for the reasons I have given, the creation of the proposed access would not harm highway safety.
16. The Council refer to Policy T6.1 of The London Plan (March 2021) in their reasons for refusal. That policy relates to the provision of car parking at new residential development. The Council has not explicitly objected to the proposal on grounds of parking provision. This is therefore not a relevant development plan policy in the determination of this appeal.
17. On this main issue I find that the proposal would not harm highway safety in respect of vehicular access arrangements at the site. The proposal conflicts with criterion g. of Policy DMD 46 due to the provision of a second access. However, I attach limited weight to this given that highway safety would not be harmed. The proposal accords with Core Policies 24 and 25 of the Core Strategy and, other than the point I have noted regarding the creation of a second access, with Policies DMD 45 and DMD 46 of the DMD in respect of their intention to maintain highway safety.

Planning Balance

18. I have found that the proposed development would not harm highway safety. However, it would harm the character and appearance of the Conservation

Area. The proposal is therefore in conflict with the development plan taken as a whole. Paragraph 199 of the National Planning Policy Framework ('the Framework') requires that great weight should be given to the conservation of designated heritage assets. In this respect the harm to the Conservation Area would be less than substantial, using the terms expressed in the Framework.

19. Paragraph 202 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
20. The appellant has stated that they will use electric vehicles as a result of the proposal. The positive effects associated with switching to electric vehicles, even on an individual scale, would give rise to general environmental and public benefits and I give this matter moderate weight. The appellant also suggests that positive effects on biodiversity would arise through their proposed planting scheme, and this would be a public benefit of moderate weight. However, I find that the public benefits of the proposal do not outweigh the harm that would arise to the Conservation Area.
21. I note the lack of objections from neighbours, but that does not justify harmful development. The design of the parking area which would incorporate sustainable drainage measures is not a matter in dispute and is a neutral consideration in weighing the harm against public benefits.

Conclusion

22. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR