



Appeal Decision

Site visit made on 25 January 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2023

Appeal Ref: APP/Q5300/D/22/3307260

Vacant land to r/o 83 Berkshire Gardens, London N13 6AE

- 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 Daniel Trindade against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/01794/FUL, dated 20 May 2022, was refused by notice dated 20 July 2022.
 - The proposed development is the erection of a single-storey dwelling with mezzanine floor and basement level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect on the character and appearance of the area and (b) whether it has been demonstrated that suitable sustainable drainage measures would be provided.

Reasons

3. The appeal site lies in a residential area characterised by rows of streets set out in a grid layout fronted by predominantly two storey terraces with some semi-detached properties. No. 83 Berkshire Gardens is an end of terrace dwelling which lies on the corner of St Cuthbert's Road. The appeal site lies to the rear (north) beyond an existing rear boundary fence. It is roughly rectangular in shape with a frontage onto St Cuthbert's Road of around 15 metres. St Cuthbert's Road connects Berkshire Gardens with Upsdell Avenue and the appeal site lies to the south of the dwelling on the corner, No. 78.
4. The appeal site is currently overgrown with tall brambles and other vegetation; there was no apparent evidence of any existing buildings though the Appellant states that there is a shed located in the north-eastern corner; a flat-roofed outbuilding is located along the boundary within the garden area of the adjoining property to the north.

Character and appearance

5. The layout of the streets displays a uniformity of built form with the two-storey dwellings fronting the main streets with long rear gardens lying between these rows. St Cuthbert's Road links the two main residential streets above with fencing or brick walls along its length marking the side boundaries of the garden areas. Approximately half way along on the western side, opposite the appeal site, are single storey outbuildings that serve the corner dwellings to the

- south and north, 81 Berkshire Gardens and 76 Upsdell Avenue, accessed via St Cuthbert's Road. The remainder of the garden areas are generally open with mature trees and established vegetation though a number of outbuildings were evident.
6. The proposed dwelling would be sited towards the northern boundary of the site, set slightly below ground level with a basement extending towards the site frontage set predominantly below ground level. It would be of single storey form with simple profile metal pitched roof with timber elevations to the main above ground element and grass roof to the basement element. In these respects, its location, form and size would not be dissimilar to the other outbuildings apparent in the immediate locality of the site.
 7. The Council suggests that its small scale and set back from the road frontage would be at odds with its surroundings which it is suggested are characterised by, amongst other things, two storey dwellings set within spacious plots, thereby detracting from the distinctive spatial qualities of the area. I disagree; the design, scale and siting of the proposed dwelling would reflect the scale and siting of the various outbuildings evident within the site's surroundings and given the appeal site's location within the rear garden areas between the rows of terraced dwellings, I consider that it would not appear incongruous in this context.
 8. I have been referred to an earlier permission for a dwelling on the appeal site and most recently an appeal decision for a dwelling which was dismissed.¹ However, it appears that this latest appeal related to a different siting, scale and design of dwelling. However, the Inspector did find that the character of the dwellings fronting the main roads does not persist to the rear of these properties, seen from St Cuthbert's Road, a finding with which I agree.
 9. The proposal would introduce a separate dwelling with associated use and activity. It would therefore function differently from the other outbuildings which are only used ancillary to the main dwellings. Whilst the proposal would provide an acceptable internal and external environment and relationship with existing properties, I agree with the Council's concerns that the legibility of the dwelling would be compromised due to the proposed layout with relatively narrow entrance, dominated by the proposed parking space and obscured by the boundary fence. Whilst noting that the fence would provide some security and would reflect the current boundary treatments, it seems to me that from the perspective of good design, the dwelling should be integrated with the street scene whilst maintaining a clear definition between public and private spaces and enabling appropriate surveillance. In this respect the scheme would not be successful.
 10. The Council's Highway Officer noted concerns regarding lack of visibility for pedestrians and driveway width leading to difficulties turning into and out of the site. I am not convinced that a condition to require an amended plan as suggested by the Council would be appropriate as the required amendments would be likely to affect the siting of the building and fencing. In respect of delivery and servicing these are unlikely to cause such a level of obstruction as to be unacceptable.

¹ APP/Q5300/W/19/3238107

11. Overall, I find, for the reasons given above, that the proposal would not integrate successfully and safely with the street scene and would thus be harmful to the character and appearance of the area. It would thereby fail to accord with Policies D4 and D5 of the London Plan (2021) (LP), Policy CP30 of The Enfield Plan Core Strategy (2010) (CS) and Policies DMD6, DMD7, DMD8 and DMD37 of the Development Management Document (2014) (DMD) which seek to ensure that the public realm is well-designed and that high quality, design-led development which provides appropriate access to the public highway is achieved.
12. In respect of this issue I also find conflict with the National Planning Policy Framework (the Framework) which seeks high quality development that functions well and creates safe, inclusive and accessible places.

Sustainable Drainage

13. It appears to be agreed that the appeal site lies within Flood Zone 1. On that basis the appellant has provided only limited information within a Flood Risk Assessment and Drainage document, suggesting that further detailed information is not required at this stage and could be secured via condition. However, the Council has indicated that the site is subject to site specific surface water flooding and that due to the inclusion of a basement, a ground water flood risk assessment is required.
14. Policy DMD61 requires all developments to demonstrate how proposed measures manage surface water and follow the drainage hierarchy in the LP and are suitable having regard to the site conditions. Whilst noting the sustainable drainage features that are proposed to be included, having regard to the particular site circumstances, I consider that the information provided is insufficient to conclude that the development would incorporate appropriate and suitable sustainable drainage measures.
15. Therefore, the proposal would fail to comply with CS Policy CP21 and Policy DMD61 which seek to ensure that suitable sustainable drainage measures are incorporated within new developments. It would also fail to satisfy the Framework which requires development to demonstrate that appropriate sustainable drainage systems are incorporated to minimise flood risk.

Conclusions

16. I have considered the policies of the Framework that seek to make effective use of land whilst ensuring that the environment is safeguarded and improved and safe living conditions are provided. LP Policies also seek to support well-designed new homes on small sites. However, for the reasons set out above the proposal would not provide for a well-designed, sustainable development. The development would also contribute to the supply of homes locally and have associated economic benefits. However, this factor is not of sufficient weight to overcome the harm identified.
17. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR