

Appeal Decision

Site visit made on 12 April 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2023

Appeal Ref: APP/Q5300/W/22/3309367

Garages adjacent 161-163 Hoppers Road, Winchmore Hill, London N21 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Hilton Maydal (London) Limited against the Council of the London Borough of Enfield.
 - The application Ref 22/01171/FUL, is dated 1 April 2022.
 - The development proposed is demolition of existing garages and erection of a 3-storey building comprising 9 no. residential units with car parking, bin/cycle storage and associated works.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Application for costs

2. An application for costs was made by Hilton Mayal (London) Limited against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Main Issues

3. Whilst the Council has not issued a formal decision, a delegated officer report was submitted with the appeal. This report indicates that the Council have several areas of concern. As such, the main issues in this case are as follows:
 - The effect of the proposal on the character and appearance of the area;
 - Whether proposal would provide suitable living conditions to future occupiers of the dwellings;
 - The effect of the proposal on the living conditions of occupiers of No. 163 Hoppers Road;
 - Highway safety and provision of vehicle and cycle parking;
 - Whether the proposal includes suitable arrangements for surface water drainage.

Reasons

Character and Appearance

4. The appeal site comprises several disused garages set behind low walls and fences with vehicular access from Hoppers Road. The garages are single storey

and constructed from red brick. The local area is residential in character, with pairs of semi-detached two-storey dwellings on the opposite side of the road. These properties generally sit in generous plots, with a consistent setback from the road and parking areas to the front, gardens to the rear and narrow gaps between the pairs. The roofs of the houses opposite are generally hipped with projecting double height bay windows.

5. To the south, there is greater variety in house design, although generally speaking these are also two storey properties with the same consistent set back creating a strong front building line in the vicinity of the appeal site. To the west lies a railway line while to the north the land beyond the appeal site continues to narrow and appeared undeveloped at the time of my visit. Overall, the area has a relatively spacious and distinctive character formed by uniformity of built form in the street scene which makes a positive contribution to the character and appearance of the area.
6. The proposal would involve the erection of a three-storey building which would comprise nine residential units. These would include three studio, three two-bed and three three-bed units of various sizes and arrangements. The proposal would also include areas of outdoor amenity space, communal refuse storage and bicycle parking areas to the ground floor and two off-street parking spaces.
7. The front elevation of the proposed development would be positioned to the rear of the footpath with no set back. The south elevation would be built along the boundary with No 163 with the two parking spaces located to the northern edge of the site boundary. As such, the proposal would have very little visual relief or space around the building to offset some of the mass of the structure. It would appear tight to its boundaries to all sides and of a much higher density than the local spacious pattern of development.
8. The mansard roof, while set back from the front elevation, would be incongruous set against the roofs of the opposing houses in particular. Although the design has taken some cues from the local area, such as the double height bay windows and brickwork, the building would appear imposing and overly dominant in the street scene.
9. The scheme would incorporate high levels of insulation and energy efficiency, although that is to be expected to meet other regulatory requirements and through planning as we try to meet the challenges of climate change. The design and access statement references the use of solar panels on the roof while the appellant advises that the scheme has taken measures to maximise landscaping and green spaces. While these are not on the submitted plans, I agree further details to secure these measures could have been secured by condition were I minded to allow the appeal.
10. I understand that the site is constrained by its size and shape. However, to my mind that highlights the limitations of the available space to accommodate the proposal in its current form. As a result, it fails to produce a design that would successfully integrate into its surroundings.
11. Based on the foregoing, the proposal would harm the character and appearance of the area. This would be contrary to policies CP30 of the Enfield Plan Core Strategy 2010 – 2025 (CS) (adopted November 2010), policies DMD6, DMD8, DMD37 and DMD81 of the Development Management Document (DMD) (adopted November 2014) and policies D3, D4, D8, G5 and G7, of the

London Plan (LP) (adopted March 2021). These state, among other things, that development that is not suitable for its intended function, that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused. The proposal would also be contrary to the design aims of the National Planning Policy Framework (the Framework), which advises through paragraph 130 that design proposals are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Living Conditions – Future Occupiers

12. Policy DMD9 of the DMD requires minimum standards for private amenity space based on various dwelling types. I note the appellant agrees that the proposal cannot meet the requirements of DMD9. The submitted plans indicate that each unit would meet the private amenity space standards given in Policy D6 of the LP and the national 'Technical housing standards – nationally described space standard'.
13. However, D6 is clear that these standards apply where there are no higher local standards in development plan documents, for which there are within policy DMD9. As such, the proposal would be required to meet the standards of the development plan. This serves to demonstrate that the proposal would constitute overdevelopment given there is no communal amenity space and private spaces would fall below minimum standards of the development plan.
14. The submitted floor plans indicate that most of the units would meet the requirements of gross internal floor area of Policy D6 of the LP. However, unit four would fall slightly below the required 70m² requirement for a single storey dwelling.
15. Overall, the proposal would not provide suitable living conditions to future occupiers of the development with regards to inadequate private amenity space and the internal floor space of unit four. This would be contrary to policies DMD9 and DMD9 of the DMD, CP4 of the CS and D6 of the LP. These seek to ensure new development must provide good quality private amenity space that is not significantly overlooked by surrounding development and meets or exceeds the minimum standards. The proposal would also be contrary to the Framework paragraph 130 which advises development should provide a high standard of amenity to existing and future users.

Living Conditions – Neighbouring Occupiers

16. No 161 Hoppers Road is located to the south and its side boundary adjoins the appeal site. Its front windows at ground and first floor level look out onto the road. The proposed building would project circa five metres (m) further forward from the established front building line of the street, although from the evidence before me it is inconclusive as to whether the built form would breach a 30-45-degree angle.
17. From my observations on the site visit, there would be a distance between the two elements of some 10m. The porch of No 163 would likely block some outlook from the front ground floor window of that elevation, and while the first-floor window is not obstructed in this manner, the design of the proposal includes a corner of the structure removed at first and second floor level. This would likely lessen any impacts of the building from views at No 163.

18. Based on the foregoing, the proposal would not harm the living conditions of occupiers of No 163 with regards to loss of outlook nor would the building appear overbearing to residents. This would comply with policy DMD8 of the DMD, which seeks to ensure development must preserve amenity in terms of outlook, among other things.

Highway Safety and Parking

19. Policy DMD45 of the DMD states that car parking should be considered against the standards set out in the London Plan as well as the scale and nature of the development, Public Transport Accessibility Level (PTAL) of the site, existing parking pressures in the locality and accessibility to local amenities.
20. Policy T6 of the LP states car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). A 'car-lite' scenario would therefore exist, and some parking should be provided in line with minimum standards. There are two spaces to be provided within the development.
21. Policy T6.1 of the LP advises that new residential development should not exceed the maximum parking standards set out in Table 10.3. For the proposal before me, that would be 7 spaces maximum.
22. When assessed against policy DMD45, the appeal site is in an area with a PTAL of 2, which is at the lower end of the accessibility scale. Evidently, the appeal site is outside the Winchmore Hill Controlled Parking Zone (CPZ), which is active within the hours of 10:30 – 11:30 Monday to Friday, although Hoppers Road to the immediate east and north is within the CPZ where off-street parking takes place.
23. Moreover, I observed on my visit that parking pressure was moderate, with spaces available to park although this is a snapshot in time at a mid-afternoon hour. It is likely that during late afternoon and evening times there would be many more vehicles looking to park as people return from work. This would align with anecdotal evidence from local residents who argue parking pressure is already high. However, I did observe the site is well served by amenities, such as a large supermarket, shops, restaurants and bars in the centre of Winchmore Hill within approximately 10 minutes' walk.
24. It is not unreasonable to expect that a development offering nine dwellings with a potential 27 residents would include several private vehicle owners. As such, two parking spaces would not be adequate based on the evidence before me and my own observations. Although it suggested that the appellant would prefer to make the proposal car-free and secure this with a legal agreement, I do not have any such agreement before me. Therefore, it cannot be relied upon to control car ownership for future residents. The proposal does not include suitable parking provision as a result.
25. Furthermore, the two parking spaces on the site plan include scant details such as dimensions or how they would meet the needs of future occupiers. I take on board the fact that the existing site has dropped kerbs and cars have clearly parked within the site given its previous use. However, the space adjoining the side of unit 9 is tight to both the wall of the apartment block and the rear boundary with the railway line. As such, with no details of the size of the space

it is unclear as to whether a vehicle would overhang the footpath. Moreover, there is little indication of whether the two spaces could be accessed independently given their layout. Policy DMD46 requires vehicles to enter and exit the crossover in forward gear. Given the limited space between the spaces and their layouts this is unlikely to be achieved.

26. The Council has further concern regarding the provision of cycle parking within the development. There is a discrepancy between the submitted plans, which advise 20 spaces would be provided, against the 18 mentioned in the Transport Statement (Cole Easden). In any event, even applying the higher standard of policy T5 of the LP would mean 18 spaces would suffice.
27. Policy T5 of the LP states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. These standards require that where cycle parking is proposed for residential areas, it should be well located i.e., close to the entrance of the property and avoiding obstacles such as stairs, multiple doors, narrow doorways (less than 1.2 metres wide) and tight corners while also being accessible for all and taking into account different user needs, such as larger cycles.
28. The ground floor plan shows seven parking spaces within the building and a further eight to the rear external area. The internal spaces would be accessed through two doors while the external would require opening three, while there is no indication of whether provision has been made for larger cycles. Generally further details could be secured by condition. However, given the constraints of the site it is unclear as to how this arrangement could be resolved without significant changes to the internal layout of the building.
29. To conclude on this main issue, the proposal would be detrimental to highway safety and would not provide suitable vehicle and cycle parking, contrary to policies DMD45, DMD46 and DMD47 of the DMD, policies CP25 of the CS and policies T4, T5 and T6 of the LP. These generally seek, among other things, to ensure adequate provision for vehicle and bicycle parking is provided within development while also maintaining highway safety.

Drainage

30. Policy DMD61 of the DMD requires all developments to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the LP and are suitable having regard to the site conditions.
31. Policy SI13 of the LP states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. There should also be a preference for green over grey features, in line with the given drainage hierarchy.
32. I have had regard to the Flood Risk Assessment & Surface Water Drainage Strategy (Cole Easdon – March 2022) which seeks to discharge post development surface water runoff into the sewer 5m to the east of the site beneath Hoppers Road, subject to approval from Thames Water Utilities. However, the response from TWU indicates a legal agreement would be required to secure further details of the connection which is not before me.

Moreover, there are no further details regarding rainwater harvesting or how these would be integrated into the proposal.

33. Having regard to the particular site circumstances, which act as a constraint to utilising preferable drainage measures in the drainage hierarchy, such as the proximity of the railway line, I consider that the information provided is insufficient to conclude that the development would incorporate appropriate and suitable sustainable drainage measures.
34. Therefore, the proposal would fail to comply with policies DMD61 of the DMD, CP21 of the CS and SI13 of the LP. These seek to ensure that suitable sustainable drainage measures are incorporated within new developments, among other things. It would also fail to satisfy the drainage aims of the Framework which requires through paragraph 167 for development to demonstrate that appropriate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Other Matters

35. The Council has requested further information regarding servicing and refuse collection arrangements. However, there is nothing substantive before me to indicate why the arrangements whereby refuse would be collected from the street as in the existing situation on Hopper Road would not be adequate. This is not given as a reason for refusal and as I am dismissing the appeal and refusing planning permission on other matters, I have not considered this further.

Planning Balance

36. The appellant has brought to my attention that the Council can demonstrate a housing land supply of approximately 2.0 years while over the last three years it has delivered 67% of its housing requirement. I note that this is not disputed by the Council and as such I am taken to paragraph 11d) of the Framework. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
37. The proposal would contribute nine dwellings to the Council's existing stock. It would redevelop a brownfield site in an area within walking distance of shops and amenities while the Council agrees there would be a suitable mix of studio, one-bed, two-bed, and three-bed units which would contribute towards creating housing stock within the Borough, including family accommodation. These considerations are worthy of significant weight in favour of the scheme.
38. Conversely, for the reasons given in the foregoing chapters, the proposed development would cause harm to the character and appearance of the area, would not provide acceptable living conditions for future occupants, would not maintain highway safety, or provide suitable vehicle and cycle parking arrangements nor has it demonstrated that a suitable drainage management system would be implemented. These factors weigh against the proposal considerably.
39. Although the site was disused at the time of my visit, I did not consider it an 'eyesore'. It may be redundant but from my observations it was a neutral

feature of the streetscene rather than a detractor and given the concerns raised regarding the impact of the proposal on the character and appearance of the area I do not consider it to be an improvement.

40. Consequently, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Conclusion

41. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

C McDonagh

INSPECTOR