



Appeal Decision

Site visit made on 14 June 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7 July 2023

Appeal Ref: APP/Q5300/W/22/3309837
126 Fore Street, Enfield, Edmonton N18 2XA

- 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 Vasant Shah against the decision of Enfield Council.
 - The application Ref 22/02185/FUL, dated 20 June 2022, was refused by notice dated 27 September 2022.
 - The development proposed is the proposed extension of commercial floorspace on ground floor and creation on 1no. additional residential unit above.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the appellant's name from the appeal form, as this information was limited on the application form.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the property and area; and the living conditions of future occupiers with regard to outlook, privacy, and provision of external amenity space.

Reasons

Character and appearance

4. The site is a mid-terrace property in a mixed-use area that is primarily made up ground floor retail uses and upper floor living space. The immediate terrace comprises properties of differing styles and heights, with a varied building line along the upper floors. Nevertheless, towards the middle section of this terrace the residential floors largely maintain a notable setback from the front elevation, retaining a clear subservience to the street level retail units.
5. The site is close to the Fore Street Conservation Area (the CA) which, despite varied uses, has an overall traditional appearance with examples of historic buildings. Given its later development and ample alterations, the site is in an area that has been carved out of the CA, with parties stating that the site currently has a negative impact on the area. However, it does form part of the setting of the CA as part of a linear ribbon of development that links two separate sections. Within this setting the appeal property, though of altered appearance, nevertheless reflects the historic scale and massing of buildings that would have been present in the area.

6. The proposal seeks to extend the commercial floorspace and create a 2 bedroom, 4 person first floor flat and a 2 bedroom 3 person second floor flat, using external materials that would assimilate in the surrounds. Among other things, this would involve a rear ground floor extension that the main parties agree would not, in its own right, result in visual harm due to its rear positioning and alignment with neighbouring units.
7. However, a front extension and raised roof ridge would render the built form of the upper floors more prominent from Fore Street. The upper floor building line would largely align with the neighbouring building to the south, would retain a very limited setback from the ground floor, and would have a flat roof akin to other properties in the terrace. However, combined with the raised height of the building, the increased front projection of the upper floors would result in significant additional bulk along the front elevation of the site.
8. While other properties in the terrace are deeper and wider, the notable additional bulk and height along the front elevation of the appeal property would fail to respect its original character or proportions, and would overall appear as a discordant addition to the street. In this mid terrace location it would create a property of dimensions that would appear overwhelming in the confines of the site and would seem out of place in the streetscene.
9. The dominance of the proposal would be further highlighted by the fenestration detailing. While a variety of glazing exists along the front and rear elevations of the street, the presence of Juliet balconies would appear out of place in the immediate terraced row. Combined with the glass balustrading and ample other front glazing proposed, this would appear overtly modern in the context of the building itself and the upper floors of its neighbours, highlighting the incongruous nature of the proposal in the immediate context.
10. To the rear of the building, an external staircase is proposed to allow for access to the upper floor flat. While this in itself would not appear out of place in the wider surrounds, combined with the level of glazing proposed and its obscuring of an access door, it would render the rear façade cluttered in appearance, and reduce the overall legibility of this section of the building.
11. The proposal would make a negative visual contribution to the immediate area, that would fail to respect the predominant pattern of development due to the limited subservience of the upper floor, the presence of incongruous features and a cluttered rear façade. Although the site is currently of limited visual merit, it remains that this precise proposal would cause undue harm to the character and appearance of the immediate area, failing to sympathetically reflect the historic scale and massing of the property.
12. I note the lack of objections from Historic England and the comments of the Edmonton Conservation Group. However, the Framework sets out that the significance of a heritage asset can be harmed by development within its setting. Taking into account the size of the CA and the relatively modest scale of the site, the harm to the setting of the CA would be less than substantial. There would be public benefits arising in terms of adding to the housing stock of the area in a suitable location and retaining and increasing in size of the commercial unit. However, the harmful impact on the character and the appearance of the area, both within and outside the CA, would not be outweighed by these benefits.

13. For the reasons given above, I find that the proposal would result in significant harm to the character and appearance of the property and area. As such, it would fail to comply with Policy D4 of the London Plan 2021, Policy CP4 of the Enfield Core Strategy 2010 and Policies DMD6, DMD8 and DMD13 of the Improving Enfield Development Management Document 2014 (the DMD) insofar as they seek to ensure good and high quality design that ensures scale and form that is appropriate to the pattern of development and setting.

Living Conditions – Future Residents

14. The main parties agree that the flats proposed would meet the relevant standards with regard to internal floorspace provision. While the Council has raised concerns that the internal space would be narrow, on the information before me there is nothing to suggest that the shapes and layouts of the rooms would impact day to day living requirements. Even with the placement of furniture, there would remain ample circulation space for future occupiers of each flat.
15. In accordance with DM9 of the DPD, the dwellings proposed would require 23sqm of external amenity space. The proposed first floor flat would comply with this requirement. While this space would sit below the terrace of the second floor flat and adjacent to the external staircase serving the upper unit, privacy screens would ensure no undue overlooking from these locations. It would also be set below the rear windows of the neighbouring property where a low intervening wall and the grilled nature of many windows, would limit potential for overlooking.
16. While the flat roof to the north would provide views of this amenity space, the evidence suggests that access across this roof is taken sporadically and largely limited to the other side of the building, some distance from the site. The commercial nature of this building would ensure any activity on the roof would be limited to certain times of the day and week. Overall therefore, I do not consider undue overlooking of the first floor amenity space would occur from this property. In addition, while users of the amenity space may experience some noise from the rear service yard, this would not be out of place in an urban area.
17. However, the second floor flat proposed would have a level of external amenity space which, although also private, would be significantly below the policy requirement. This would be unduly cramped and incapable of supporting the requirements of such a space for the size of dwelling proposed, such as sitting out, drying washing and the placing of residential paraphernalia. Even acknowledging the urban surrounds, the London Plan is clear that its lower standards only apply in the absence of higher local standards.
18. The living spaces and front bedrooms of the units would be served by sizeable windows delivering adequate outlook. Although the living area would look towards a service yard, the setback of the proposal from the rear boundary would ensure this would not appear unduly close or overbearing. The middle bedroom of the second floor flat would be served by a rooflight which, despite its positioning on the flat roof, would be of appropriate dimensions relative to the room, ensuring that even positioned on the roofscape it would provide an adequate level of outlook. However, the middle bedroom of the first floor flat would have no such rooflight. While a lightwell is proposed this would fail to provide an appropriate outlook, resulting in the room feeling unduly enclosed and oppressive.
19. For the reasons given above, while I find that the proposal would not result in significant harm to the living conditions of future residents with regard to privacy, it

would result in such harm to living conditions with regard to outlook and the provision of external amenity space. In this regard, it would fail to comply with Policies D3 and D6 of the London Plan 2021, Policy CP4 of the CS and Policies DMD8 and DMD9 of the DMP insofar as they seek to development that delivers good outlook and amenity, including appropriate levels of amenity space.

Other Matters

20. The appellant has stated that pre-application advice was positive but I must consider the merits of the case before me and can give only limited weight to such discussions. Reference has also been made to additional storeys and altered front facades permitted at other sites along Fore Street, however limited information on these or their precise comparability to the scheme has been provided. Similarly, examples of permitted smaller amenity spaces than those proposed have been provided. However, each application is decided on its own site specific merits, and reference to development elsewhere carries limited weight. For the reasons given above, this precise proposal would cause harm to the character and appearance of the area and the living conditions of future residents.
21. Although not forming a reason for refusal, I note concerns were raised regarding the safety of future residents of the proposal due to the access point via the rear service yard. However, the proposal would result in a limited increase of residential uses at the site and there is no indication that concerns were reported from the highways officer. As such, there would be no harm to highway or pedestrian safety.
22. The proposal would provide benefits in terms of maximising the use of the plot, reusing and refurbishing the upper floors while maintain and expanding the ground floor retail use. It would also contribute to the housing supply of the area, bringing an element of housing choice to the immediate mix in a suitable location. However, given the limited provision made as a result of the proposal, this attracts only moderate weight. Even taken together with the limited weight attached to surrounding development and the pre-application discussions, this would not outweigh the harm identified.

Planning Balance and Conclusion

23. I have found that the proposal would not result in harm to highway or pedestrian safety or to the living conditions of future occupiers with regard to privacy. This is a lack of harm which is neutral in the planning balance.
24. However, I have found harm to the living conditions of future occupier with regard to outlook and provision of external amenity space, and to the character and appearance of the property and area, including the setting of the CA. This is not outweighed by identified benefits.
25. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR