



Appeal Decision

Site visit made on 25 July 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/Q5300/W/22/3313708

17 Sydney Road, Enfield EN2 6TS

- 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 Mr Robert Moore against the Council of the London Borough of Enfield.
 - The application Ref 22/01545/FUL is dated 23 May 2022.
 - The development proposed is the erection of a three storey side extension and the conversion of the dwelling into 3x2 bedroom flats and 2x3 bedroom flats.
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Decision

1. The appeal is dismissed and planning permission for the erection of a three storey side extension and the conversion of the dwelling into 3x2 bedroom flats and 2x3 bedroom flats is refused.

Preliminary Matters

2. The appellant submitted a proposed reduced scheme for four flats (drawing no. 1574_303 dated November 2022) during the application process showing significant changes to the design including the roof form but did not provide a full set of plans. I have limited evidence of consultation on this plan and my consideration of it could cause prejudice to interested parties. Therefore, my decision on the appeal is based only on the drawings and documents submitted with the original planning application.
3. Drawing No. 1574_303A shows a plot area for a proposed 2 storey house within the site. However, as limited details have been provided and this is not included in the description of development, I have not had regard to this.
4. The appellant's general concerns about their interactions with the Council during the application process is a matter between those parties and it cannot have any bearing on my determination of this appeal.

Background and Main Issues

5. The appeal is against the non-determination of a planning application. The Council has not provided a formal view of the proposal but has provided the relevant plan policies. Based on the evidence from the appellant, responses from third parties and the plan policies supplied, I have identified the main issues as:
 - whether the proposed development would preserve or enhance the character or appearance of the Enfield Town Conservation Area (CA);

- the effect of the development on the living conditions of the occupiers of neighbouring dwellings with particular regard to access to on-street parking, outlook, light, privacy, noise and disturbance; and
- whether the development would provide acceptable living conditions for future occupants, with particular regard to amenity space.

Reasons

Character and appearance

6. The site comprises a house set back from the corner of Cecil Road and Sydney Road, separated from other dwellings on Sydney Road by its garden and parking area. The attractive property has a varied, largely hipped roof form with a projecting gable to Sydney Road and includes a traditional entrance, chimneys and windows. The blank flank wall of the rear projection is higher than the adjacent part of the building, but the original house remains the predominant feature. It is not a listed building nor near one but is in the CA. There are dwellings to the south and west, a shopping centre on the opposite side of Cecil Road, part of the busy gyratory around Enfield town centre, and a multi storey car park on the opposite side of Sydney Road.
7. Having regard to the Enfield Town Conservation Area Character Appraisal (the Appraisal), the significance of the CA derives in part from the well-defined residential areas from the late 19th century and early 20th century knitted into the pattern of the town centre, originally known as New Town. Whilst there are modern developments around the CA, including the car park opposite the appeal site, the New Town area retains much of its original layout and fabric, with terraces or semi-detached houses giving a general impression of unity because of similarities in material and features. Despite its different appearance to other nearby dwellings, the appeal property makes a positive contribution to the CA as it is a mid 19th century semi-detached, two storey villa constructed of London stock brick which retains most of its original features, located on a long corner plot which provides a gateway to the New Town area.
8. The proposed extension would span the Sydney Road elevation of the building. Although its height would be similar to much of the original dwelling, the development would be higher than the existing projections to the rear. Whilst the proposed development would give more symmetry to the Sydney Road elevation, its significant width and length, combined with its height, would create a bulky addition. The replacement of the hipped roof with a large crown roof would significantly increase the roof mass, failing to reflect the domestic scale hipped and pitched roof forms which prevail in this part of the CA. Furthermore, the original external features including windows, the porch and entrance door and one of the chimneys would also be lost. This would cause particular harm to the appearance of the building facing Sydney Road.
9. The proposed development would avoid a modern contemporary piece of architectural design, incorporating matching materials whilst maintaining a gap with the Sydney Road boundary. However, its scale and design would completely alter the size and appearance of the original building. It would create a dominant addition on this prominent corner plot, incongruous with the small, domestic scale of residential buildings in this part of the CA and particularly conspicuous in views from Cecil Road and Sydney Road. Therefore,

the proposal would cause harm to the significance of the appeal property and wider street scene of the CA.

10. For the reasons set out and having regard to the duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development.
11. There would be a public benefit from the improvements to the building, including the removal of the existing rear projection. Further public benefits would arise from: the provision of additional dwellings creating a mix of lifetime homes; the higher density, more efficient use of the site; and its town centre location with good access to services and public transport. The proposed development would also allow the owner to sell the site which he does not consider suitable as a family home due to its location and issues of overlooking but this is a private rather than a public benefit. The public benefits of the development would not outweigh the great weight to be given to the harm to the Conservation Area caused by the proposed extension. Therefore, I conclude that the proposed development would conflict with the Framework.
12. The appellant refers to the relationship to the road and elevations of dwellings on corner plots on Raleigh Road and to the size and spacing of other buildings in the CA relative to the proposed development. However, they are not comparable to the form and size of the building proposed on this prominent corner plot and do not justify the harm which would arise from the proposal.
13. Overall, the development would not preserve or enhance the character or appearance of the CA. This would be contrary to Policy HC1 of The London Plan 2021 (the London Plan) and Policies DMD 6 and DMD 44 of the Council's Development Management Document 2014 (the DMD). Together, these require development proposals to conserve and enhance the special interest and significance of heritage assets and be of a scale and form appropriate to the existing setting, amongst other things.

Living conditions – Neighbouring Occupiers

14. Currently, the host dwelling and some other properties in the vicinity have off-street parking but the residents of other houses in the locality are reliant on on-street parking provision. On Cecil Road, this is limited due to yellow lines and bus stops but there is residents' permit parking along Sydney Road and other nearby roads during the daytime. Although only a snapshot in time, at my daytime visit, I observed many cars parked along Sydney Road with only a few spaces available.
15. The development would not be provided with any off-street parking and there is no evidence that there would be a highway safety issue, so I accept the appellant's assertion that no highway safety concerns would arise. Whilst the site is close to services and public transport, there is no certainty that future occupiers would not have private vehicles and no mechanism before me to ensure that they would not be eligible to apply for residents' parking permits.

16. It is difficult to anticipate the number of vehicles that would be generated by the development. However, the absence of on-site parking in conjunction with the cars owned by occupants of an additional five sizeable flats would result in significantly more vehicles being parked on the street, creating increased pressure for limited on-street parking spaces. In this street environment, I consider that this would be a source of annoyance for residents who rely on them due to having to spend longer searching for an available space, having to park further from their properties and, in the absence of vacant spaces on the street, having to pay for parking in a car park.
17. The appeal property abuts a dwelling at 99 Cecil Road (No 99) which has existing two and single storey rear extensions, with a conservatory attached to the side. As the development would not project as far as the ground floor extension at No 99 and there are no rear upper floor windows on the neighbouring two-storey extension, the proposal would not harm the outlook from the rear rooms of the adjacent property.
18. The two-storey extent of the host building would be increased, but it would have a similar projection to its existing rear extension and be separated from the neighbouring conservatory by their existing single storey extension. As such, it would not cause a harmful loss of sunlight and daylight to the conservatory at No 99.
19. There are already upper floor room windows on the host dwelling which overlook the rear garden of No 99, so, although there would be changes to the rear room arrangements and window openings on the first floor, the proposal would not cause a harmful loss of privacy to the rear garden.
20. The additional dwellings would lead to more intensive use of the site, including more activity, comings and goings by residents, visitors and delivery drivers. Noise insulation required under the Building Regulations would ensure that the occupiers of No 99 are not adversely affected by internal noise. Whilst four flats would be accessed from a new door on Cecil Road, close to habitable room windows at No 99, due to the proximity of the neighbouring property to the busy road and pedestrian thoroughfare, the more intensive use of the site would not cause a harmful increase in disturbance or loss of privacy to the occupiers of that house.
21. Consequently, I conclude that the proposal would harm the living conditions of the occupiers of neighbouring dwellings with particular regard to access to on-street parking but not in relation to privacy, outlook, light, noise and disturbance. This would be contrary to Policy DMD 8 of the DMD where it requires new residential development to take into account the nature of the surrounding area. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for existing users. This is a planning harm to which I attach significant weight.

Living conditions – Future Occupiers

22. The proposed external amenity spaces would meet the minimum sizes required by Policy DMD 9 of the DMD. Flat 2 would have a useable area of private space to the rear, but the space for flat 1 would be narrow, enclosed by a brick wall and steel fence and partly along the boundary with the noisy Cecil Road, providing a poor-quality space. Further, the communal amenity space for flats 3, 4 and 5 would only be accessible by walking around the perimeter of the site

and therefore not convenient or practical for use by the residents of those dwellings. Therefore, overall, the proposed amenity spaces would not provide the good quality private amenity space required by Policy DMD 9.

23. Overall, I conclude that the proposed development would provide unacceptable living conditions for future occupants in relation to private amenity space. This would be contrary to Policies DMD 8 and DMD 9 of the DMD where they require development to provide good quality private amenity space. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for future users. This is a planning harm to which I attach considerable weight.

Planning Balance

24. The evidence indicates that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and this triggers the circumstances in paragraph 11(d) of the Framework. This protects designated heritage assets which provide a clear reason for refusing the development proposed in accordance with paragraph 11(d)(i). As such, the presumption in favour of sustainable development does not apply.
25. The Framework seeks to significantly boost the supply of homes, supports development that makes efficient use of land, encourages development which has good access to services and promotes walking, cycling and public transport use. The proposal would make a modest contribution of four additional dwellings to the supply of housing, providing a mix of house types designed to lifetime homes requirements and making more efficient use of a site in a town centre location with good access to services and public transport. These would accord with London and national planning policies and are benefits of the proposed development to which I accord moderate weight.
26. The appellant indicates that the proposed flats would meet the Nationally Described Space Standards, have rooms which provide functional and comfortable layouts, would be sufficiently lit, and have appropriate noise insulation. The development would also include measures for achieving reductions in carbon dioxide emissions though the solar PV panels referred to in the Energy Statement are not shown in the proposed plans. Further, the site is in an area at low risk of flooding and would accommodate sustainable drainage measures. It would also provide opportunities for future residents to interact. I give these matters some weight.
27. Although I have had regard to the benefits arising from the proposed development, they do not outweigh the harm I have found to the character and appearance of the CA, and the living conditions for neighbouring and future occupiers.

Conclusion

28. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed and planning permission is refused.

A Wright BSc (Hons) MRTPI INSPECTOR