



Appeal Decision

Site visit made on 31 October 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2024

Appeal Ref: APP/Q5300/W/23/3321505

Land to Rear of 296 Hoe Lane, Enfield EN1 4JL

- 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 K Tonchev of KT-Con Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/03768/FUL, dated 4 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is demolition of existing dilapidated garage, concrete hardstanding and fencing and construction of a new build single storey dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Whilst the Council did not provide a copy of their officer report as part of their submission, a copy was included within the appellant's evidence. I am satisfied that I have all the necessary information to assess the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed dwelling upon the character and appearance of the surrounding area;
 - The effect of the proposed access arrangement on the living conditions of future intended occupiers; and
 - Whether the development would provide convenient and accessible facilities for waste management.

Reasons

Character and appearance

4. The appeal site is located to the rear of Hoe Lane and accessed via the private road of Linden Walk, within a predominantly residential area which contains a mix of two storey houses and three storey flats. Linden Walk at the junction with Hoe Lane provides visual relief between residential dwellings. The appeal site currently comprises from a single detached garage set to the rear of the plot with timber gates located to the front. Between the appeal site and the garden of No. 296 Hoe Lane (No. 296) is a further parcel of land. To the rear are a variety of detached single storey outbuildings which appear ancillary to properties in Hoe Lane and are of similar heights to the garage within the

appeal site and which project above the existing boundary treatment. Opposite is a series of partially derelict garages which were at the time of my site visit fenced off from Linden Walk.

5. The overall height, length and width of the dwelling would be greater than the existing garage on site. The depth would project beyond the existing fence line defined by No. 296 onto Linden Walk and would be visible from Hoe Lane. The dwelling would be single storey and its height and appearance of the gable elevation facing the rear of No. 296 would be similar to that experienced by occupants who overlook the rear elevation of the former garages. However, the presence of a blank gable which extends the full width the plot associated to No. 296 and which projects outwards into Linden Walk and above the height of the existing ancillary single storey outbuildings would appear out of character with its immediate context, interrupting and eroding the clear views down Linden Walk.
6. The planting proposed would enhance the existing environment in Linden Walk and go towards addressing the current condition of the site and its surroundings, and the green sedum roof would also assist in providing green views from the upper floors of neighbouring properties; however, their presence does not outweigh the harm identified above.
7. I acknowledge that the plot associated with No. 296 may have been subdivided through the erection of fencing and No. 296 retains a rear garden as part of the proposal. However, the land is still currently free from any development which is visible from Hoe Lane and as such current visual spaciousness to the rear of No. 296 has been retained by the subdivision. Furthermore, as the proposed dwelling would be larger in footprint than those existing surrounding outbuildings it's massing would be seen to be unsympathetic when viewed alongside them in its context.
8. I therefore conclude that the proposed dwelling to the rear of No. 296 would be harmful to the character and appearance of the surrounding area, contrary to Policy D4 of the London Plan which seeks to ensure new development maintains design quality. There would also be conflict with Policy CP30 of the Enfield Core Strategy (2010) (Core Strategy) which seeks to ensure that developments be of a high quality and have regard to their context. There would also be conflict with Policy DMD7 which seeks to protect and enhance garden land; Policy DMD8 which seeks amongst other matters, to ensure new residential development is of high quality and enhances local character and Policy DMD37 which seeks good design; Enfield Development Management Document (2014) (DMD). There would also be conflict with the National Planning Policy Framework (Framework) which seeks, amongst other matters for development to be sympathetic to the local character.

Living conditions

9. Linden Walk is a wide concrete surfaced road with an uneven strip of land running adjacent to the boundary with No. 296. A set of gates are located beyond the appeal site preventing free-flowing traffic and beyond which its width appears to narrow. At the time of my site visit vehicles were parked down both sides of Linden Walk up to the gates.
10. Linden Walk has no dedicated footway for pedestrians and the dwelling would be situated at the furthest point from Hoe Lane which is freely accessible by

car. I accept that Linden Walk is gated, that traffic is not free-flowing along its entire length and that the Officer Report contained no consultee comments from the Council's Transportation section. However, there are no residential properties directly accessed from Linden Walk at present. The introduction of a dwelling would require future intended occupiers and visitors to use the roadway for their entire journey up to the proposed dwelling. The lack of a footway could lead to conflict with road users resulting in unsafe pedestrian movements. This would especially be so for those less mobile.

11. Whilst I note that the appellant has cited the presence of an alternative access from Hoe Lane for garages and outbuildings. No such access has been presented within their statement and as such I have nothing before me to assess.
12. Bearing in mind the above, I conclude that the proposal would fail to provide a safe access arrangement harmful to the living conditions of future intended occupiers, contrary to Policy T6.1 of the London Plan 2021. It would also be contrary to Policy CP24 and CP25 of the Enfield Core Strategy 2010 which seeks to ensure amongst other matters development provides good walking as well as safe, convenient, and accessible routes for pedestrians, Policies DMD8 and DMD45 of the DMD (2014) which seeks amongst other matters, for new residential development to provide adequate access; and that all new development maximise walkability through the provision of attractive and safe layouts for pedestrians.

Waste collection

13. The parties do not dispute the proposal provides sufficient facilities for the storage of 3 bins set within a dedicated store. The main concern therefore relates to the provision of a safe collection point which protects the health and safety of the collection staff.
14. I accept that Linden Walk is wide when not obstructed by car parking, however the road is gated and as such it would be unlikely that a standard refuse vehicle would be able to access, turn and exit in a forward gear. Without the free passage through Linden Walk or being able to turn it is highly likely that vehicles would be required to reverse out onto Hoe Lane.
15. I note that the appellant contends that refuse collection could be arranged with the Local Authority or private contractor. However, no such mechanism has been put before me to demonstrate adequate collection can be accommodated. Furthermore, a letter of indemnity to allow Local Authority refuse vehicles to access the unadopted road has been proposed, but this is not within the scope of my assessment, which must focus on the planning merits of the appeal proposal.
16. The Council in its reason for refusal referred to Policy DMD48 of the DMD. However, I find that that this policy is not determinative in relation to this issue as the requirement for Servicing and Delivery Plans relates to major developments, which is not the case in this instance.
17. I conclude that the proposal would fail to provide convenient and accessible facilities for waste management. Accordingly, the proposal would be contrary to Policy D4 and D6 of the London Plan which seek, amongst other matters for development to be well designed and provide easily accessible storage for

refuse. It would also be contrary to Policy CP25 of the Core Strategy, which seeks amongst other matters, safe, convenient and accessible routes for pedestrians; Policy DMD45 of the DMD which seeks to ensure, amongst other matters, that development be designed to meet all manoeuvring requirements including those for emergency and servicing vehicles. There would also be conflict with Policy DMD47 which seeks amongst other matters, that new development makes provisions for servicing arrangements, ensuring that vehicles can reach the necessary loading, servicing, and parking areas. There would also be conflict with the Enfield Waste and Recycling Storage Planning Guidance (2020) which seeks safe collection points to protect the health and safety of collection staff when handling and loading bins.

Other Matters

18. The appellant has drawn my attention to the following examples in support of their appeal: No. 1-5 Woodgate Mews, No's 63A/63B/63C Rowantree Road, and No's 89A/89B/89/89D Southfield Road. I have not been provided with the specific details of these developments and as such it is unclear if the circumstances are directly comparable. Furthermore, the appeal scheme has been determined on its own merits and taking account of the site-specific circumstances.
19. I concur that the appeal premises is situated within Public Transport Accessibility Levels (PTAL) 1b and not 2, however as this matter is not in dispute, I attach little weight to the site's connectivity to public transport.
20. The appellant has drawn my attention to paragraph 5.12 and 5.16 of the officer's report. I acknowledge that paragraph 5.12 with regards to living accommodation for future intended occupiers appears to contradict paragraph 5.16 and as such I have not attached any weight to this statement regarding living conditions.
21. I have taken into account the asserted distance of Ordnance Road and Standard Road to the appeal premises. As reference to them is unclear in the Officer Report, I attach no weight to their reference. Furthermore, whilst I have been provided with photographs of existing self-contained outbuildings to the rear of Hoe Lane, I cannot be certain of the circumstances relating to their presence. As such it is unclear if they are directly comparable.
22. The appellant has drawn my attention to Policy H2 of the London Plan and claims that the policy pro-actively supports well-designed new homes on small sites. Whilst I have not been provided with a full copy of the Policy to draw a conclusion, I acknowledge that the extract does encourage housing however, the benefit of providing one additional home does not outweigh the harm identified.
23. With regards to the appellant's claim that the Council refused the application in haste to meet their statutory deadlines, these are not within the scope of my assessment which must focus on the planning merits of the appeal proposal.
24. Moreover, the absence of harm in relation to parking, cycle provision, biodiversity, flood risk and sustainability are neutral matters on the overall planning balance as this would be a likely requirement of a well-designed development.

Planning Balance

25. The development would result in the creation of one new dwelling, supporting the Government's objective of significantly boosting the supply of homes. There is no indication that the Council has a shortfall in its supply of deliverable housing land, but this does not diminish the value of new housing. The benefits of one new house attract limited weight in the overall balance.
26. Whilst I accept that the site currently benefits from an existing garage and hard landscaping, I have not been provided with any evidence to demonstrate that the site is on the Council's Brownfield Register, nor does the site fall within the definition of previously developed land as set out in the Framework. As such the benefit of redevelopment does not outweigh the harm identified.
27. With regards to the appellant's comments regarding the overall size of plot prior to the subdivision. Whilst the garden associated with No. 296 appears to be the largest within the immediate area, the overall size does not justify its subdivision or the subsequent harm relating to the proposed development for the reasons set out above.
28. The benefits of the proposed development would not outweigh the harm that it would cause to either the character and appearance of the area, the living conditions of future intended occupiers or the accessibility of waste management. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

29. For the reasons set out above, the appeal should be dismissed.

L Clark

INSPECTOR