



Appeal Decision

Site visit made on 19 December 2023

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/Q5300/W/23/3325247

214 Willow Road, ENFIELD, EN1 3AT

- 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 Sattar Shah against the decision of the Council of the London Borough of Enfield.
 - The application Ref 23/00561/FUL, dated 6 April 2023, was refused by notice dated 14 June 2023.
 - The development proposed is the sub-division of site and conversion of existing rear buildings to create a single-storey residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide suitable living conditions for future occupants with regard to access, fire safety and the provision of waste disposal facilities.

Reasons

Character and appearance

4. The application site is in a residential area, comprising of two storey, semi-detached properties with attractive double bay frontages that face the road. Most properties in the area have long rear gardens and ancillary sheds or outbuildings that occupy a small proportion of the space. A long public footpath links Willow Road and Connaught Avenue, which is lined on both sides by the high rear boundary fencing of properties in the area; including part of the rear curtilage of 214 Willow Road (No. 214). The garden ground that serves the property was previously subdivided to allow for the erection of 214A Willow Road (No.214A). There are two large outbuildings within the remaining rear curtilage of No. 214.

5. The proposal is for the alteration of the existing outbuildings to create a single storey, two bedroom dwellinghouse. The proposed dwelling would face the rear elevations of No.214A and No. 214 and would be accessed off the public footpath. Based on my site visit and the evidence before me the proposed dwellinghouse would not be comfortably accommodated within the area, resulting in a constrained arrangement that would not reflect the wider pattern of development. Further, the scale and design of the proposed dwelling would be a distinct departure from the established architectural style of surrounding properties.
6. For the reasons detailed above the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it is contrary to Policy D4 of The London Plan (2021) (LonP), Policy CP30 of The Enfield Plan Core Strategy 2010-2025 (2010) (CS) and Policies DMD7, DMD8 and DMD37 of the Improving Enfield Development Management Document (DMD) (2014) (DMD). These policies are consistent with the Framework in requiring high quality design, that development of garden land would not harm the character of the area and that new residential development be of an appropriate scale, bulk and massing.

Living conditions

7. The established pattern of development within the area is such that properties front on the highway and have areas of garden ground to the front and rear. The relationship between these properties and the road allows for ease of access of both occupants and fire safety equipment. Also, most front garden areas have sufficient capacity to accommodate refuse storage facilities for occupants.
8. As detailed above the proposed dwelling would have no road frontage and would be accessed via a public footpath. The position of the buildings is such that the resultant dwelling would be several meters from Willow Road. The proposed floor plan indicates that a bin store and bicycle store would be located within the proposed garden area to the front of the resultant dwelling.
9. The Council received an objection from their Transportation Team in relation to the proposed development. Their concerns include the narrow width of the public path that would provide access to the development, which they state could make it difficult for emergency services to access the site. They also raised concerns regarding the distance between the proposed dwellinghouse and the highway for the transportation of refuse bins for collection. The submitted plans indicate that the bins would be sited within the front curtilage of 214A Willow Road on collection days. The Council Transportation Team also raised concern that this arrangement may restrict parking provision at No.214A. They state that their concerns would be exacerbated if access to the public footpath was restricted, using bollards for example, which may also restrict access for wheelchair users.
10. The Transportation Team's concerns are noted. As the appellant does not have ownership of the public footpath, I agree that there is a risk that access to the path may be restricted in the future. It is acknowledged that a fire safety hose may be able to reach the proposed development. However, this and the installation of alarms, sprinkler systems and the use of non-combustible construction materials; would not remove the risk involved if emergency services cannot safely and quickly access the proposed dwellinghouse.

11. The appellant proposes that part of the front curtilage of 214A could be allocated for bin storage. This is not a typical arrangement within the area as it would involve the ownership of the proposed dwellinghouse being divided over two areas. Further, the area for bin storage within the curtilage of 214A is not clearly defined and there is no substantive evidence before me that this would not restrict parking provision at this address.
12. It is acknowledged that the proposed dwellinghouse, being on one level, would provide accessible accommodation in itself. However, this does not ameliorate the harm I have identified regarding access to the proposed dwelling from the highway.
13. For the reasons detailed above the proposal would fail to provide suitable living conditions for future occupants with regard to access, fire safety and the provision of waste disposal facilities. As such the proposal is contrary to Policies D5, D6 and D12 of the LonP, Policies CP4 and CP25 of the CS and Policies DMD8 and DMD47 of the DMD. These policies require that new residential development incorporates inclusive design that provides independent access without additional undue effort or separation; provides adequate access and refuse storage 'which do not, by reason of design or form, adversely affect the quality of the street scene'. These policies also require that new development is designed to incorporate safe and dignified emergency evacuation for all building users and suitable access for firefighting.
14. I find no conflict with Policy D4 of the LonP and CP 30 of the CS in relation to living conditions as these policies focus on delivering good design. Similarly, I find no conflict with DMD45 and DMD48 of DMD in respect of living conditions in relation to this appeal as these policies focus on car parking and the submission of Transport Statements.

Other Matters

15. My attention has been drawn to several properties in the area that share similarities to the proposed development, including to the rear of 5 and 7 Halifax Road 20/01047/FUL and the rear of 4 to 10 Totteridge Road 22/03273/FUL. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of scale, location, access, ownership of access and development plan policy. In any case I have determined the appeal on its own merits.
16. The absence of harm in respect of the living conditions of future occupants in other respects, and the absence of harm in relation to the living conditions of the occupants of neighbouring properties are neutral factors which weigh neither for nor against a proposal.
17. The appellant states that currently the outbuildings could be occupied as ancillary accommodation to No.214. It is open to the appellant to enquire to the Council for a separate determination on this matter regardless of the outcome of the appeal.
18. The development would make a positive contribution to the supply of housing in an accessible location. However, neither this or the 'Other Matters' detailed above alter my reasoning in relation to '*Character and appearance*' or '*Living conditions*', as set out above.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

C Livingstone

INSPECTOR