



Appeal Decision

Site visit made on 9 January 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/Q5300/W/23/3321912

Land between 8 and 10 Little Park Gardens, Enfield, Middlesex EN2 6PQ

- 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 C Anam on behalf of Capricorn Freeholds Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/02804/FUL, dated 16 August 2022, was refused by notice dated 20 April 2023.
 - The development proposed is the erection of a single storey office on land between 8 and 10 Little Park Gardens, Enfield, Middlesex, EN2 6PQ.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a single storey office on land between 8 and 10 Little Park Gardens, Enfield, Middlesex, EN2 6PQ in accordance with the terms of the application, Ref 22/02804/FUL, dated 16 August 2022, and the plans submitted with it, subject to the conditions set out in the Schedule of Conditions attached to this decision.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) came into force on the 19 December 2023 with a further change published on 20 December. In the interest of natural justice and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.
3. It is not for me to establish the lawfulness or otherwise of the front boundary fence within this appeal. However, the photographic evidence suggests that the fence has replaced a previous fence of similar height. On this basis, only insofar as it is material to my decision, I have made my assessment on the basis of the existing fence.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Enfield Town Conservation Area;
 - whether the proposal would be acceptable with regard to flood risk; and
 - the transport and highways effects of the proposed development.

Reasons

Conservation Area

5. The appeal site is located between No 8, a detached two-storey family dwelling, and No 10 Little Park Gardens which is also a detached two-storey building converted from offices to residential flats. No 10 lies on the corner of Little Park Gardens on the junction with Chapel Street.
6. The site comprises a rectangular parcel of land which is part of the garden of No 8 and part of the garden of No 10, where there are three timber sheds. To the rear of No 10, accessed and visible from Little Park Gardens, is an existing single-storey office building. Both Nos 8 and 10 are prominent and characterful buildings within the street scene.
7. The area immediately around the appeal site is predominately residential but with office uses such as the existing building at No 10. Moreover, the site is close to Enfield town centre.
8. The site lies within the Enfield Town Conservation Area (the Conservation Area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) provides, at section 72(1), that with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
9. The Enfield Town Conservation Area Character Appraisal, February 2015 (CAA) acknowledges that the town centre has undergone major redevelopment in several locations since the original Conservation Area Appraisal in 2005/6. I consider that the significance of the Conservation Area is derived, in part, from the different character areas, including the town centre and its ancillary residential area in which the appeal site lies. The rich variety of building periods and styles and the variety of building plot sizes and boundaries all make a positive contribution to the Conservation Area as a whole.
10. The appeal site currently contributes positively to the Conservation Area by reason of being an open and verdant gap between large, detached buildings. The gap enables views, albeit limited by the existing fencing and trees, of Trinity Church and its spire, views of the trees within the gardens of the properties around the site, the rear of the Register Office, a Grade II listed building, and the greenery on Gentleman's Row.
11. Although the proposal would cause some reduction in the sense of openness, the proposed building would be single storey, set back from the building line of Nos 8 and 10 and with space retained either side of the building. The proposed building would not extend substantially above the fence line, would be of an appropriate density, form, and deferential scale and, in my judgement, would not result in a cramped or cluttered appearance.
12. I saw at my visit that views of the church, Register Office and trees would still be possible above and around the building. In that regard the appeal before me is materially different to the previous appeal on the same site¹ which proposed a two-storey dwelling.

¹ APP/Q5300/W/20/3252188

13. Moreover, it would have a similar appearance to both the single storey office to the rear of No 10 and also the existing garage attached to No 10, which would be read in the same street scene. The presence of the other office building has already altered the character of this part of Little Park Gardens and introduced a commercial use into a residential area. The commercial character of the office would, in any case, not be discernible from the public realm.
14. Although the office would lead to the removal of the historic internal boundary between Nos 8 and 10, the boundary is predominately formed of modern timber fencing. It is largely hidden from view. The spatial relationship between Nos 8 and 10 is a one off in the Conservation Area, and so the internal boundary is not characteristic of its significance in any event.
15. For the above reasons, I find that the proposal would preserve the character and appearance of the Conservation Area. Accordingly, I find no conflict with Policies CP30 and CP31 of The Enfield Plan Core Strategy 2010-2025 (CS) which, taken together, require all development to be high-quality, have special regard to its context, enhance local distinctiveness and seek to pro-actively preserve and enhance the Borough's heritage assets.
16. For the same reasons, I find no conflict with Policies DMD6, DMD37 and DMD44 of Enfield Council's Development Management Document, adopted 2014 (DMD) which, taken together, seek to ensure that developments are of an appropriate density, scale, and form, are of high quality and design-led, are appropriate to context and surroundings and conserve and enhance the special interest and significance of the Conservation Area.
17. Moreover, the proposal would comply with Policies D3 and HC1 of The London Plan, The Spatial Development Strategy for Greater London, 2021 (LonP), which require all development to be design-led, optimise the capacity of sites, enhance local context, respond to character, and place, especially heritage assets, deliver positive benefits that conserve and enhance the historic environment and avoid harm to heritage.
18. The proposal would also accord with the Framework which, amongst other matters, seeks the creation of high-quality buildings and seeks to ensure that all development is visually attractive and sympathetic to local character and history, whilst recognising the value of heritage assets.

Flood risk

19. The appeal site lies within Flood Zone 1. However, notwithstanding the assertions that Little Park Gardens has not flooded in 30 years, the site is at risk of surface water flooding and fluvial flooding.
20. The appellant's FRA acknowledges the flood risk of the site, and the Flood Warning and Evacuation Plan accepts that during extreme surface water flood events the building is at risk of flooding and that routes around the building would be flooded. The proposal, as an office, is for a 'less vulnerable' use² and I accept that the staff of the office would either not come to work or leave early in the event of a flood warning. The FRA recommends mitigation and resilience measures within the design of the building, which I consider appropriate within the circumstances of this modest commercial building.

² As defined in Annex 3 of the Framework

21. The Council now considers that in the event of a flood the necessary flood voids are not achievable. However, I am mindful that, across Nos 8 and 10, the appellant has a significant amount of land within their control. Given such, I find that these matters could be dealt with through an appropriately worded condition.
22. For the above reasons, I find that the proposed development would be acceptable with regard to flood risk. The proposal would not conflict with Policy CP28 of the CS and Policy DMD61 of the DMD which, taken together, seek to direct development to areas of lowest risk of flooding, require SUDS on all developments, require all development to manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan, seek to achieve greenfield run off rates, and require development at risk of surface water flooding to demonstrate the extent of risk and options for prevention or mitigation.
23. For the same reasons, I find no conflict with Policy SI 12, subsection C, of the LonP which requires development to ensure that flood risk is minimised and mitigated.
24. I also find no conflict with the guidance in section 14 of the Framework which seeks to avoid inappropriate development in areas at risk of flooding, aims to direct development away from areas at highest risk, seeks to ensure that flood risk is not increased elsewhere as a result of development and requires developments to be appropriately flood resistant and resilient, incorporate sustainable drainage systems, and manage risk.

Transport and highways

25. The appeal site has a parking and turning area which is accessed off Little Park Gardens. One of the existing three parking spaces could be allocated to the proposed development, as would three spaces for bicycles. I understand that there is no intention for the development to be car free given the existing car park on site.
26. The site is within a Controlled Parking Zone (CPZ) where parking is limited to resident permit holders only. Policy DMD45 of the DMD advises, under section 4, that for sites within existing CPZs residents of the new development may be prohibited from obtaining a parking permit, where demand for on street space is already high and would be worsened by the development proposal, and that this would be secured by a legal agreement.
27. The site is also within an area with a Public Transport Accessibility Level (PTAL) rating of 6a, meaning it benefits from excellent connections to public transport services and there is a public car park close to the site which allows for all day parking, subject to charges.
28. The excellent PTAL rating would provide genuine options for alternative means of travel for staff and visitors and any other parking demand generated by the office would be able to make use of the public car park. Three spaces for bicycles also represents an overprovision of those facilities.
29. Given such, and due to the size of the office and the limited number of staff, I consider it unlikely that the proposed office building would worsen the demand for on street parking, contribute unacceptably to parking congestion in the area or promote the use of non-sustainable modes of transport.

30. Moreover, even if the business occupying the proposed development would be entitled to apply for parking in the CPZ the Council would ultimately have control over whether to issue the permit(s).
31. For the above reasons, I find that the proposal would not adversely affect transport or highways and would, therefore, comply with Policy CP24 of the CS and Policy DMD45 of the DMD which, taken together, seek to reduce congestion, minimise car parking, encourage sustainable travel choices, improve safety and environmental quality, and to limit parking permits where demand for on street space is high and would be worsened.
32. The proposed development would also comply with Policy T6 of the LonP which, amongst other matters, seeks to limit car parking and sets maximum parking standards.
33. For the same reasons, the proposal would comply with paragraph 115 of the Framework which advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

34. The Register Office is named in the Official List Entry as 'Borough Council Health Office'. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
35. The setting in which the listed building is experienced is limited due to the boundary treatments to the building and the presence of other development close to it. Even with views available of the Register Office and the appeal site the proposal would not affect the way the setting of the listed building is experienced and would, therefore, preserve the significance of the listed building.

Conditions

36. The Council has provided a list of conditions that it considers would be appropriate and the appellant has had an opportunity to comment on this. I have considered these in light of the Framework and the Planning Practice Guidance, and I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity.
37. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of certainty. In order to ensure a satisfactory appearance, I have included a condition requiring the submission of the details of the materials to be used for the external surfaces of the building.
38. I have combined the conditions requiring the details of the means of enclosure, waste storage facilities and cycle storage into one as all of these works relate to the external area of the development and not all of the details recommended in the Council's hard surfacing condition are required for the proposed development.

39. To ensure that the drainage scheme and flood resilience and resistance measures are provided and maintained, I have included an additional condition to this effect. I consider that this is necessary and relevant given the outstanding information on these matters.
40. In the interests of tree protection and the character and appearance of the area I have included a condition to require the work to be carried out in accordance with the proposals in the Arboricultural Tree Protection Method Statement submitted with the evidence. I have also included a condition to require the Energy Statement proposals to be provided to encourage sustainability and contribute towards reducing CO2 emission reduction targets.

Conclusion

41. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

K Townend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LPG99 Rev A, LPG100 Rev B, LPG102 Rev B, LPG103, LPG104 Rev A, LPG105 Rev B, LPG111 and the Tree Protection Plan.
- 3) No above ground works shall commence until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until details of hard landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. means of enclosure, including opportunities for mammals to cross the site;
 - ii. hard surfacing materials;
 - iii. minor artefacts and structures e.g. furniture, refuse and cycle storage facilities, etc. This shall include details of the means of access to the waste storage for waste operatives.The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 5) The development hereby permitted shall be carried out in accordance with the details provided in the Andrew Day Arboricultural Consultancy Arboricultural Tree Protection Method Statement, dated 8 August 2022.
- 6) The development hereby permitted shall be carried out in accordance with the details provided in the Mike Andrews of Energy Saving Experts Ltd Energy Statement, dated 3 August 2022, and shall thereafter be maintained for the lifetime of the development.
- 7) The building hereby permitted shall be not occupied until surface water drainage works and flood resilient and resistant measures have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall provide:
 - i. information about the design storm period and intensity, and the method employed to delay and control the surface water discharged from the site;
 - ii. level for level flood compensation measures;
 - iii. flood resilient and resistant measures to be included in the development;
 - iv. a timetable for implementation of both surface water drainage works and flood resilient and resistant measures; and,
 - v. a management and maintenance plan for the lifetime of the development.

*** END OF CONDITIONS ***