



Appeal Decision

Site visit made on 11 April 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2024

Appeal Ref: APP/Q5300/W/23/3328199

1 Moffat Road, London N13 4SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Goula Theodorou against the decision of London Borough of Enfield.
 - The application Ref is 22/04198/FUL.
 - The development proposed is conversion of outbuilding to studio dwelling, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Regulation 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (the Regulations) confirms that an application for planning permission must be accompanied by a plan which identifies the land to which the application relates. Although not part of the legislation, the Planning Practice Guidance (PPG) advises that "The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings)"¹.
3. In the case of this appeal, the red line extended to the full plot of 1 Moffat Road. However, access to the proposed dwelling would be via Pymmes Mews. It is my view that the land necessary to carry out the proposed development would include the land along Pymmes Mews until its point of connection with the adopted highway. The submitted plans therefore do not adequately identify the land to which the application relates. There is a discretion to allow an appeal to proceed notwithstanding a failure to comply with the statutory requirements. This discretion should only be exercised following full regard to all the circumstances².
4. This point was brought to the attention of the Council in a representation made during its determination of the application, which identified part of Pymmes Mews was in multiple ownership. It appears that the appellant did not see this representation until during the appeal process. They have since had the

¹ Making an application Paragraph: 024 Reference ID: 14-024-20140306 Revision date: 06 03 2014

² Maximus Networks Ltd v SSHCLG & Others [2018] EWHC 1933 (Admin)

opportunity to respond. As the owners of nos 1-4 Pymmes Mews have made representations to both the application and appeal, I consider there would not be prejudice from my continuing to determine the appeal.

5. Issues regarding rights of access are not within the remit of this appeal.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area, and whether there would be acceptable living conditions for future occupiers of the proposed dwelling.

Reasons

Character and Appearance

7. The outbuilding proposed for conversion is immediately adjacent to Pymmes Road. It is characterised by a terrace of modest dwellings on one side, and ancillary structures, mainly in the form of garages, which serve the properties on Moffat Road on the other. The outbuilding occupies a plot on the corner of Pymmes Road and Pymmes Mews. Despite their proximity, the two areas display distinctly different characters.
8. The outbuilding very clearly forms part of the Pymmes Road street scene given the linear plot layout of the Moffat Road properties and the presence of outbuildings and accesses to the rear of properties along Pymmes Road. While activity along this frontage is likely to be limited, the presence of garages and accesses form part of the character and appearance of the street. The proposed elevation to Pymmes Road would be uncharacteristic given it would only include a single window.
9. There is a range of scale and materials in the garages and outbuildings along Pymmes Road. However, in the majority of these, the roof clearly rises from the eaves. The proposal would create what would appear as an extended roof due to the use of materials. This would appear incongruous due to the extent of the roof that would sit below the eaves and the top heavy appearance that would result.
10. The existing building is of limited architectural merit. However, that does not mean that any alterations would be acceptable. The proposed alterations to the elevations facing onto both Pymmes Road and Pymmes Mews consist of irregularly shaped and sited windows. There is no coherence to the approach. The surrounding areas are characterised by regularity, albeit different along the two side of Pymmes Road and Pymmes Mews. The use of openings with different proportions and linear emphasis would contrast unfavourably with the surrounding development. Consequently, the proposed alterations would detract from the quality of the area.
11. The overall height of the proposed dwelling would not be dissimilar to that of the surrounding garages and so the proposal would not appear incongruous in that regard. The rhythm of development along Pymmes Road would not be altered. However, these would be expected of any well designed development and as such are neutral.
12. Pymmes Mews is a contained row of modest properties which include some commercial uses. They face onto the access. The Pymmes Mews properties

only have a very limited visual and physical effect on the character and appearance of Pymmes Road due to the degree of enclosure and their position perpendicular to it. They are identified as a non-designated heritage asset and their significance is derived from their distinctive architectural detailing and contribution to the understanding of the historic development of the area. The appeal site forms the boundary of Pymmes Mews and its contribution to its character is in providing the boundary to the access which contributes to its small scale and the intimate character and appearance that results.

Notwithstanding my findings above, the proposed development would have a neutral effect on Pymmes Mews as a non-designated heritage asset. The proposed use of the building as a dwelling would not affect this given the prevalence of surrounding residential uses. The proposed alterations would also not materially affect the setting of the properties as the increase in the height of the building would be limited, and it would remain subservient to the Pymmes Mews properties.

13. The proposed development would have an adverse effect on the character and appearance of the area. It would therefore be contrary to Enfield Core Strategy (2010) (CS) Policy CP30, Enfield Development Management Document (2014) (DMD) Policies DMD8, DMD13 and DMD37, and London Plan (2021) (LP) Policies D3 and D4 which, taken together and insofar as they relate to this appeal, require development to be design led, take opportunities to improve an area, and for roof extensions to not be dominant. It would also be contrary to the advice in section 12 of the National Planning Policy Framework that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Living Conditions

14. It is not in dispute that the proposed conversion would meet the space standards set out in the development plan. While the external area would include bin storage and cycle parking, there would be sufficient space to allow for unencumbered sitting out. However, the external amenity space, and the internal living space of the dwelling would feel enclosed by the proximity of the outbuilding to No.1. This would be exacerbated by the proximity of the built form of Pymmes Mews. Consequently, there would not be an acceptable standard of outlook from the proposed dwelling and amenity space.
15. Sufficient light would be provided to the internal living spaces of the proposed conversion due to the presence of rooflights and windows or doors on two elevations in each of the rooms.
16. The relationship of the windows in the dwelling to Pymmes Road and Pymmes Mews would be typical of that found in many residential areas. Dwellings along Pymmes Road front directly onto the street. While it may be proposed to install privacy glass, it would not be necessary to do so as rooms directly adjacent to the street are not uncommon and other means to ensure privacy would be available to future occupiers.
17. The proposed dwelling would therefore be contrary to CS Policies CP4 and CP30, DMD Policies DMD6, DMD7, DMD8 and DMD9 and LP Policies D3 and D6 which, taken together and insofar as they relate to this appeal, require development and development in garden land to provide a high standard of accommodation, a high quality and functional amenity space and deliver appropriate outlook.

18. CS Policy 30 seeks to maintain and improve the quality of the built environment. LP Policy D4 is concerned with the process of delivering and maintaining good design while Policy D5 is related to inclusive design. As such, I find they are not directly related to this main issue.

Other Matters

19. There would be a benefit from an additional dwelling which could be delivered quickly. This would include economic benefits arising from employment and spend during the construction stage and spending by future occupiers of the development. There would also be receipts to the Council from New Homes Bonus and Council Tax payments. However, these benefits would be limited given the proposal is for a single conversion.
20. The glossary to the Framework excludes residential gardens in built up areas from the definition of previously developed land (PDL). As the red line for the appeal shows the site as part of the Moffat Road property, I am not convinced the site would constitute PDL. However, this would not be determinative given my findings above on the detailed aspects of the proposed development.
21. The LP promotes the use of small sites and the Framework supports the efficient use of land. In this respect, the proposal amounts to a policy compliant scheme, therefore this would be neutral.
22. I have no reason to think the Council has not properly assessed the application. It would not be unusual that objective appraisal using the same policies would result in commonality of the language used.
23. This appeal falls to be determined on its individual planning merits. The previous scheme on the site was refused, therefore I do not need to compare this proposal to it. I do not have details of previous applications at Pymmes Mews, however there are clear differences in the relationships of those properties with the surrounding area that are distinctly different to the appeal before me.

Planning Balance

24. The Council has not disputed that it cannot demonstrate a five year supply of deliverable housing land and confirmed that the delivery of housing was below 75% in the most recent Housing Delivery Test results. As such, paragraph 11d of the Framework is engaged.
25. There would be undoubted benefits from the proposed development in the delivery of an additional dwelling in an existing urban area with very good access to services and facilities including public transport. There would also be the associated economic benefits arising during the construction and occupation stages along with the associated local finance considerations. However, as the proposal is for a single dwelling, these benefits would be limited.
26. The Framework is clear at paragraph 131 that the creation of high quality, beautiful buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 sets out that developments should function well and add to the overall quality of the area and have a high standard of amenity for future users. I have found that the

proposed development would not achieve these and I attach significant weight to these harms.

27. As a result, the adverse effects of the development would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole. The proposal therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

28. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight, including the policies of the Framework, to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR