



Appeal Decision

Site visit made on 23 July 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/Q5300/W/24/3340932

Land to the Rear of 48 Green Street, Enfield EN3 7HW

- 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 HZH Developments Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/04084/FUL.
 - The development proposed is erect single storey dwelling, and all associated works.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of future occupiers with regard to the provision of private outdoor amenity space.

Reasons

Character and appearance of the surrounding area

3. The appeal relates to garden land to the rear of 48 Green Street (No 48). No 48 is a two-storey end of terrace house which has been extended and subdivided into one single family dwelling and two self-contained flats. The surrounding area is predominantly residential, containing a mix of two storey terrace and semi-detached dwellings. The prevailing character of Green Street and Frederick Crescent is one of two-storey dwellings with gable fronts, bay windows, pitched roofs and generously sized rear gardens.
4. The proposal is for a bungalow at the end of the garden to No 48. The bungalow would face on to Frederick Street. I acknowledge that the plot size of the appeal site is much smaller than other dwellings in the surrounding area and the bungalow would be set tight to its site boundaries on three sides. However, the presence of a fairly wide side passageway between the appeal site and the neighbouring property on Frederick Street, coupled with the long garden of No 48, provides a sufficiently spacious setting for the bungalow. The lack of a rear garden would be largely imperceptible from the street. The bungalow would respect the front building line of the properties on Frederick Street and be set back from the road in a similar manner. Accordingly, the proposal would not appear unduly cramped or contrived and would sit fairly comfortably within the street scene compatible with the general pattern of development in the surrounding area.

5. For these reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. Hence, it would comply with Policies D3 and D4 of the London Plan (2021) (the LP) and Policies DMD6, DMD7 and DMD37 of Improving Enfield: Development Management Document (2014) (the DMD). Taken together, these policies seek to ensure that development responds to existing character, local context and the existing pattern of development.

Living conditions of future occupiers

6. Policy DMD9 of the DMD and Policy D6 of the LP require development to provide good quality private outdoor amenity space. For a one bedroom two-person dwelling, a minimum of 5 sq m. is required. The proposal would have no rear outdoor amenity space at all.
7. The appellant suggests that the area to the front of the bungalow could be utilised by occupants as amenity space. However, this would not provide a good quality private amenity space due to the potential for significant overlooking from houses on the other side of the road and passers-by on the public footway. The appellant has suggested that planting and a gate to the front of the bungalow could help to provide privacy. However, they would, in all likelihood, need to be of a height that would reduce the outlook from the windows on the front elevation of the bungalow, thereby affecting living conditions and could detract from the character and appearance of the area. While public open space may be available nearby, this would not justify poor quality of any private outdoor amenity space. I am not satisfied that a comprehensive and detailed landscaping scheme, or any other conditions attached to any permission, could overcome this harm.
8. This situation would be contrary to the requirements of the National Planning Policy Framework (the Framework) which seeks the creation of places with a high standard of amenity for existing and future users.
9. For these reasons, I conclude that the proposed development would not provide satisfactory living conditions for future occupiers because of the poor quality of the private outdoor amenity space. I judge the magnitude of this harm to be significant in this context. The proposal would conflict with Policy D6 of the LP and Policy DMD9 of the DMD which require development to provide good quality private outdoor amenity space.

Other Matters

10. The appellant has drawn my attention to a bungalow which was granted planning permission to the rear of 44-46 Green Street¹. However, the key difference between this scheme and the appeal proposal is the provision of policy compliant private outdoor amenity space.
11. The absence of objections from neighbours does not justify allowing a proposal that does not accord with the development plan.

Planning Balance

12. While I have found that the proposal would not cause undue harm to the character and appearance of the area, the scheme would not provide satisfactory living conditions for future occupants. This is a significant defect of the proposal

¹ Planning application Ref: 18/04861/FUL.

and the resulting harm would be to such an extent that the scheme would conflict with the development plan when considered as a whole.

13. The Council cannot demonstrate a five-year supply of deliverable housing land. In these circumstances, paragraph 11(d) of the Framework is engaged. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The bungalow would provide suitable internal living accommodation and would not adversely affect the living conditions of the occupiers of any nearby dwellings. The absence of harm in these regards is a neutral factor in my decision.
15. The site includes garden land in a built-up area so, by definition, is not all previously developed 'brownfield' land². Nonetheless, efficient use of suitable small sites for residential windfall development in Enfield is acceptable in principle and the bungalow could be built relatively quickly. The proposed dwelling would contribute to the overall housing supply in a location that has good accessibility to public transport. It would also enhance the house type and size available in the area and provide social and economic benefits during construction and in subsequent occupation. These are all positive benefits, however, given the small scale of the development, the weight afforded to these benefits is limited.
16. I have found that the appeal proposal would cause significant harm to the living conditions of future occupiers by virtue of the poor quality of the private outdoor amenity space. The identified policies from the LP and DMD are, in the circumstances of this case, consistent with the Framework and therefore I attach the scheme's conflict with these policies significant weight.
17. Drawing these points together, the harm and the related policy and Framework conflicts which would result from the poor quality of the private outdoor amenity space is a matter to which I attribute significant weight. The benefits of the scheme, even if the undersupply of housing against requirements was very substantial, should afford only limited weight in favour of approval. Consequently, the harm I have identified to the living conditions of future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, scheme would not constitute sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs heavily against the scheme.

Conclusions

18. The proposal conflicts with the development plan when considered as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR

² Framework Annex 2: Glossary