



Appeal Decision

Site visit made on 6 August 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Appeal Ref: APP/Q5300/W/24/3339094

86 Clydesdale, Enfield EN3 4RN

- 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 Mr Benny Hoffman of FASTGRAND LTD against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/03358/FUL.
 - The development proposed is erection of a single dwellinghouse (2b3p).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's statement of case indicates that the appeal submissions include an updated Sustainable Drainage Systems (SuDS) report. However, there is no such document listed in the appendices to the statement nor is one listed as an appeal document on the appeal form. An updated SuDS report is not before me, and as such I have determined the appeal on the basis of the Surface Water Drainage and SuDS Strategy Report -EX23/225/11 (Strategy Report) that accompanied the planning application.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of 84A Clydesdale, with regard to outlook; and
 - drainage and the management of surface water.

Reasons

Living conditions

4. No 84A lies to the west of the appeal site and is at the end of a separate row of terraces. The occupiers currently benefit from an open outlook across the driveway. The proposed new dwelling would not be set back from the shared boundary. In doing so it would bring development harmfully closer to No 84a, creating an uninviting outlook from the ground and first floor windows of this property, looking as they would onto a significant length of blank brick wall.
5. Owing to its proximity, length and two storey height, the proposal would appear as a dominant and oppressive feature, narrowing the outlook experienced from both the ground and first floor windows of No84A. Despite

acceptable daylight and sunlight levels, the visual change of the proposal would result in a noticeable difference to the occupiers of No 84A, unreasonably affecting their living conditions.

6. I observed a similar arrangement of properties opposite the appeal site. Regardless, the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. Nor is the absence of any objections to the proposal. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
7. Overall, the proposal would be unduly harmful to the living conditions of the occupiers of 84A Clydesdale, with regard to outlook, in conflict with Policy D6 of the London Plan (2021) (LP), Policy CP30 of the Core Strategy (2010) (CS) and Policy DMD8 of the Development Management Document (2014) (DMD). Amongst other things, these policies require qualitative design aspects to be addressed so that the built form, massing and height of development is appropriate for its context and that it is orientated to optimise visual interest. Development is also required to preserve amenity, including outlook.
8. On the decision notice, the Council also refer to Policy CP6 of the CS and DMD11 of the DMD. As these policies relate to specialist accommodation and rear extensions, they are not determinative in this appeal.

Drainage

9. The Strategy Report sets out that permeable pavement with flow control and rainwater harvesting are proposed to provide SuDS measures. However, only one rainwater harvesting unit is shown for the storage of rainwater and there are no dimensions of the proposed unit. Furthermore, no information has been provided with regard to consideration of rainwater attenuation in green infrastructure features for gradual release, as required by the drainage hierarchy set out in Policy SI13 of the LP.
10. At least one SuDS measure is proposed and there would be some betterment in the run-off rate arising from the proposal. Nevertheless, I have no firm details to demonstrate that the strategy would provide for the effective management of surface water. I am unable to ascertain whether overall, suitable measures would be provided that are appropriate for the proposed use or site context, or that the proposal would meet the requirements for managing surface water as close to its source as possible. It has also not been clearly shown that the LP drainage hierarchy has been followed.
11. As such, the proposal would adversely affect drainage and the management of surface water, in conflict with Policy SI13 of the LP, Policy CP21 of the CS and Policy DMD61 of the DMD. These policies include a requirement that new development follows the drainage hierarchy, incorporating suitable sustainable drainage measures as a means to manage surface water run-off.

Other Matter

12. The appeal site is within the zone of influence of the Epping Forest Special Area of Conservation, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, it is not

necessary for me to consider the implications of the proposal upon the protected site because the scheme is unacceptable for other reasons.

Planning Balance

13. The Council indicate that housing delivery has been below the housing target and the most recent Housing Delivery Test results places Enfield in the category of 'presumption in favour of sustainable development'. As such, Paragraph 11(d) of the National Planning Policy Framework (the Framework) is applicable.
14. I have found that the proposal would be harmful to the living conditions of the occupiers of No 84A and would adversely affect drainage and the management of surface water. I give the identified policy conflict significant weight.
15. There would be benefits from the proposed development in the delivery of an additional dwelling to the housing supply. There would also be economic benefits arising during the construction and occupation stages through additional expenditure in the area and a reduction in carbon that would exceed the policy requirement. As the proposal is for a single dwelling, these benefits attract limited weight.
16. Policy compliance would be achieved on a range of matters, including the character of the area, the standard of accommodation, privacy and car and cycle parking. However, the lack of harm on these matters would be a neutral factor and would weigh neither for nor against the development.
17. Consequently, 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 set out in Paragraph 11 d(ii) of the Framework.

Conclusion

18. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR