

Appeal Decision

Site visit made on 3 September 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/Q5300/W/24/3338191

11 Bush Hill, London N21 2DB

- 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 Chris Andreou against the decision of the Enfield Council.
 - The application Ref is 23/03175/FUL.
 - The development proposed is "*sub-division of the site and conversion of approved mobile home application ref: - 23/01104/CEA into a separate self-contained permanent residential unit with associated off street parking*".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On my site visit, I observed that the mobile home referenced in the description of development has not been erected at the site. However, I have had regard to the lawful development certificate (LDC) Ref 23/01104/CEA in my consideration of the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Like most other dwellings in the local area, 11 Bush Hill is a large, two-storey detached dwelling on a generously sized plot. Its side elevation and back garden wall face onto Ringmer Place, which is a gated residential cul-de-sac. The absence of a through-road gives the cul-de-sac a peaceful ambience. Properties in the area are generally set well back from the road behind driveways, and they have deep rear gardens. Consequently, the area has a distinctively spacious and open character.
5. Due to its siting and width, the proposed development would significantly diminish the undeveloped garden space that separates the host property from the buildings around it. Moreover, whilst the proposed private amenity spaces would exceed minimum space standards, the sub-division of the site would result in two plots that would be uncharacteristically small when

compared to the prevailing pattern of development in this area. The proposal would therefore detract from the open and spacious character of the locality.

6. The proposed building has been reduced in height from a previous iteration of the scheme, which was dismissed at appeal on 19 December 2022¹. However, due to its single-storey height, boxy shape, and flat roof, the simple design of the unit would be at odds with those around it, which are typically two-storeys tall with a mix of elevational features. Its appearance could be altered, to some extent, through a condition securing appropriate external materials. However, even with materials to match existing buildings, the design and form of the development would have an incongruent appearance and it would be a discordant feature in the area.
7. Due to the low profile of the proposed building, and the height and siting of the existing side wall to No 11, there would be limited views of the development from Bush Hill. However, the development would be dominant in views from the rear windows of neighbouring properties, including Nos 9 and 13 Bush Hill, which overlook the site. The proposed dwelling, its access, and associated domestic paraphernalia would also be observed through the proposed entrance from Ringmer Place. Given its discordant design, width, and siting, the development would be unduly prominent in those views and it would detract from the character and appearance of the locality.
8. Furthermore, that the development would not be visible from Bush Hill does not negate the need to secure good design, which is a clear requirement of Policy DMD37 of the Development Management Document (Adopted November 2014) (DMD), Core Policy 30 of The Enfield Plan Core Strategy 2010-2025 (Adopted November 2010) (CS) and the National Planning Policy Framework (the Framework).
9. The appeal site benefits from an LDC for the use of land to station a caravan or mobile home, which was indicated to have a similar footprint and height to the proposed development. There is a reasonable prospect that the mobile home would be erected in the event the appeal is dismissed. Therefore, the LDC scheme represents a viable fallback position.
10. The evidence states that the stationing of a mobile home at the site would be temporary. Moreover, an advisory note on the LDC makes it clear that the outbuilding is lawful development on the basis that it remains incidental to the enjoyment of the house. Consequently, whilst the outbuilding could be similar in scale and appearance to the proposed development, it would have a markedly different character from the self-contained residential unit proposed.
11. Indeed, the proposed development would intensify the use of the appeal site and would necessitate the delivery of an enlarged entrance from Ringmer Place, additional car parking spaces, and bin and bike stores. All of these elements would add harmful visual clutter to views from the cul-de-sac and from the rear windows of neighbouring properties on Bush Hill. Moreover, the introduction of a new postal address would undoubtedly increase comings and goings to the site from future occupants as well as from

¹ Appeal Ref. APP/Q5300/W/22/3304573, dated 19 December 2022

services and deliveries. It would therefore have a deleterious effect on the quiet character of Ringmer Place.

12. Given the proposal is for a permanent development, these harms would endure in the longer term. The proposal would therefore be significantly more harmful than the LDC scheme. Accordingly, the fallback position carries limited weight in my consideration of the appeal.
13. I have been referred to a successful appeal for a double garage at 18 Maxim Road². In allowing the appeal, the Inspector took account of the existence of an LDC as I have done so in this appeal. However, the Maxim Road development was not a residential property, and the tighter grain development on the street differs from the character of Bush Hill and Ringmer Place. Therefore, the Inspector's conclusions in relation to the design and appearance of the garage are not directly comparable to the appeal proposal.
14. Overall, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. Therefore, there would be conflict with Policy DMD7 of the DMD, which only permits development on garden land where it does not harm the character of the area. Further conflict would arise with Core Policy 30 of the CS, Policies DMD6, DMD8, and DMD37 of the DMD, Policy D3 of the London Plan (March 2021) (LonP), and the Framework insofar as they expect development to be of high-quality design that is appropriate to its context, including in terms of its layout, orientation, scale, appearance, and shape, amongst other things.
15. The decision notice refers to Policies GG2 and H2 of the LonP. Principally, these policies seek to encourage the intensification of the use of land to support additional homes, and the development of small sites. I will consider the implications of these policies in the overall planning balance. However, I have not found them determinative to the main issue in this appeal.

Planning Balance

16. The proposal would conflict with the aforementioned development plan policies, which is sufficient to bring the development into conflict with the development plan when read as a whole. Proposed development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
17. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. I do not have sufficient evidence before me to be certain about the size of the shortfall. However, even if the shortfall is modest, paragraph 11(d) of the Framework is engaged.
18. The proposed development would contribute an additional home to local housing supply by intensifying development on a small site. In that regard, there is some support for the scheme through Policies H2 and GG2 of the LonP. However, whilst Policy H2 recognises that, in appropriate locations, local character will need to change to accommodate housing on small sites, the development plan also expects proposals to be of a high-quality design that respects local context. The contribution to housing supply from this

² Appeal Ref. APP/Q5300/D/14/2218274, dated 9 July 2014

single dwelling proposal would be very modest. Consequently, these benefits carry moderate weight in support of the scheme.

19. The internal configuration of the proposed dwelling would provide suitable accommodation to meet the personal needs of the appellant's family in both the short and longer term. Whilst I acknowledge these circumstances, there is no substantive evidence before me to indicate there are exceptional personal needs that could only be met by the proposed development and not by other, potentially less harmful, means. Consequently, I attach limited weight to this matter.
20. The appeal site is well-connected to the services and facilities at Clock Parade and in Enfield town centre. Future occupants of the development would therefore be able to meet many of their daily needs, without having to travel by private car. This is a neutral matter in the overall planning balance.
21. No harm has been identified in respect of the standard of proposed accommodation, highways and access, drainage, landscaping, ecology, or resource efficiency. Moreover, the Council is satisfied there would be no harm caused to the living conditions of neighbours, including through loss of daylight and sunlight, or overlooking. Based on the evidence and my own observations, I have no reason to disagree. The absence of harm weighs neither for nor against the proposal.
22. Overall, the weight of the benefits of the scheme is moderate, and it would be significantly and demonstrably outweighed by the harm that would be caused to the character and appearance of the area, when assessed against the policies of the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

23. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catcheside

INSPECTOR