



Appeal Decision

Site visit made on 31 October 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/Q5300/W/24/3342982

47 The Bourne, Southgate, Enfield N14 6RS

- 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 MET Development London Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/04120/FUL.
 - The development proposed is Demolition of existing dwelling and creation of 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional plans have been submitted to me to clearly emphasise the specific palette of materials to be used at the site and includes an amended communal parking layout to the front of the site. Although none of these plans have been formally publicly consulted upon, and the Council have made no representation to them, I do not consider that me taking these into account as part of my findings prejudices any of the parties.
3. I note the Council's reason for refusal includes reference to Core Strategy policy CS4 and CS24 of the Core Strategy 2010-2025. This has been confirmed by the Council as typos within their decision notice and should have been read as Core Strategy Policies CP4 and CP24 within the reasons for refusal. I am satisfied with their explanation and have proceeded in this vein.
4. The Council cannot currently demonstrate a 5-year supply of deliverable housing land. On this basis, the (so called) tilted balance flowing from paragraph 11d)ii of the National Planning Policy Framework (the Framework) is engaged. As such, the policies which are most important for determining the appeal are deemed to be out of date, but this does not mean that they carry no weight, and the development plan remains the starting point for my decision making. When the tilted balance is engaged, the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Main Issues

5. The main issues with regards to this proposal are:

- The effect of the development upon the character and appearance of the local area;
- Whether or not the development would create acceptable living conditions for the future occupants with particular regard to outlook, overlooking and loss of privacy; and
- Whether or not there would be a highway and pedestrian safety issue.

Reasons

Character and appearance

6. The appeal site is located close to the centre of Southgate where the character of the local area changes from one of a built-up shopping and commercial context to one of a more residential character with housing along The Bourne of a more loosely knit build-form. The existing dwelling is an A frame design with first floor accommodation and sits back from The Bourne with a linear rear garden. It is positioned between the residential houses of Wynchgate to which it is closely related, and Bourne Methodist Church. The church comprises of three parts as the main church, attached church hall and adjacent chapel. It is locally listed by the Council and is therefore a non-designated heritage asset.
7. The proposal would demolish number 47 The Bourne in order to erect a pair of semi-detached dwellings to the front, facing The Bourne. Three further dwellings would be located behind the semi's sitting perpendicular to the main road as a second pair of semi-detached houses (No 3 and No 4) and single house, (No five). All houses would share similar design and finish characteristics and be of two, three or four bedrooms. Parking would be by means of a communal forecourt to the front of the site.
8. The heights of the proposed houses and building line where houses 1 and 2 would be located would correspond with the adjacent church and the style of the roof proposed using a peaked gable end would follow the broad design characteristics of the church. I could see that the proposal as a whole would take design cues from the surrounding local vernacular using finished red brick to the ground floor and white coloured render to the first floor. Should I come to a favourable decision on the proposal, this could be secured by condition to meet the objectives of paragraph 56 of the Framework.
9. The proposed style of windows would be a contemporary design and although it would not closely associate with the style seen at the adjacent locally listed building, these are different buildings with different purposes and different ages and characteristics. I find no real conflict with either the design of the windows proposed or the finished materiality.
10. The layout has been intended to take advantage of the linear plot with three houses situated behind the semi's to the front, accessed via a pedestrian footpath only, orientated facing towards the church. In this location, residential dwellings front onto the main road with a pronounced order, especially along Wynchgate and Queen Elizabeth Drive, of, in the majority semi-detached houses that share the traditional linear back-to-back gardens. Other houses opposite the site are of a different age, style and character but nevertheless have large undeveloped rear gardens that correspond with the size of the main dwelling.

11. I could see no other example of back-land development such as this within the local vicinity. The number of houses proposed in this layout would not follow the typical pattern and rhythm of development in this location and would therefore appear as an anomaly. It would be seen from the public realm and would thus appear as an incongruous and uncharacteristic form of development.
12. Furthermore, a large swathe of hardstanding would be laid to the front of the site with only limited landscaping proposed. The existing boundary treatment consisting of a low red brick wall adds character to the local area even despite the two vehicular gaps that have been created in it and the amount of hardstanding that presently exists in front of the dwelling. There remains a wide expanse of boundary wall that adds positively to the street scene. As this would be removed in its entirety, the front of the site would be visually exposed within the street scene and dominated by hardscaping. Irrespective of the fact that the proposed built form would be set further back from the road than the building line of Number 47, in its context, it would not contribute to a distinctive sense of placemaking here. An absence of objection from Historic England is neutral in the overall scheme of things, as too is the formalising of the parking at the site that this proposal would bring.
13. Therefore, to conclude on this main issue, the proposal by virtue of the layout of development and hardstanding to the front would not safeguard the character or appearance of the local area. To that end it would fail to meet the combined design-led and residential character and housing standards policy aims, and heritage protection objectives of policies CP30, CP31 of the Core Strategy 2010 and policies DMD 6, DMD 8, DMD 37 and DMD 44 of the Enfield Development Management Document 2011. In addition, it would not comply with the design aims of the London Plan 2020 Policies D3 and D4 or the National Planning Policy Framework that seeks to achieve well-designed places and beautiful places.

Living conditions

14. The housing layout proposed would be such that the interrelationship between some of the houses to one another (flank and rear elevations and flank to flank) would be below the Council's required minimum separation distance as dictated by Development Management policy DM 10. In order to mitigate the effects of overlooking and loss of privacy at first floor level, opaque glazing is proposed to certain windows, or to specific parts of windows. Some of these windows would also be fixed shut.
15. I can see from the submission that some rooms to have opaque glazing to fenestration relates to first floor home offices although one home office is intended to double up as a bedroom, with the sole window opaque glazed and fixed shut. This would also be the case to Unit 1 bedroom 1 as the plans indicate the two windows to be opaque glazed with both windows fixed shut to prevent overlooking and loss of privacy to the adjacent neighbours. As a consequence, the occupants of these habitable rooms would experience an unacceptable level of outlook and therefore their living conditions adversely compromised.
16. Other oriel windows would have a portion of glazing opaque glazed. However, the non-opaque glazing that would remain would be limited for the occupants to experience a positive outlook. In another situation, the close range of this

window to the adjacent garden that would be their main garden space, would result in a sense of overlooking and loss of privacy to the occupants. The importance of safeguarding living conditions is made more severe as garden space associated with each dwelling would be the occupant's own private external space and of limited size. I am not convinced that the appellant's commitment to 'additional structural' planting in the garden areas would successfully mitigate the effects of poor living conditions that would arise.

17. Whilst the proposal may meet or exceed the London Plan's internal and external standards in some respects, this is not so great as to sufficiently offset the harmful effects upon the living conditions of the future occupants. Nor would be the effect of some occupiers overlooking a ribbon of landscaping.
18. All things considered, the proposal would fail to acceptably safeguard the living conditions of future occupants of the proposal. This would conflict with the standard of accommodation and separation distance aims of Policy CP4 of the Core Strategy 2010 and policies DMD 6, DMD 8 and DMD 10 of the Development Management Document. It would also conflict with the National Planning Policy Framework that aims to achieve good amenity levels, and the housing quality and standards objectives of policy D6 of the London Plan.

Highway safety

19. The submitted plans the Council made their decision on illustrate four parking bays including a disabled persons parking bay to the front of the site. They comment that this accords with the London Plan parking standards. The Council raised concern that the parking layout for four vehicles would cause a highway and pedestrian safety risk due to unsafe vehicular movements to and from The Bourne, a classified A road.
20. The plans submitted with the appeal as alternative car parking arrangements demonstrate three parking bays including a disabled persons parking space with refuse storage point to the front hardstanding area. The swept path analysis submitted indicates that acceptable movements within the site could be achieved without causing a highway and pedestrian safety risk.
21. With regards to one less parking space to be located incutillage, I note that the appellant has submitted no substantive evidence to indicate that three parking bays would be sufficient in number to support the development. I consider that the reduction from two access/egress points to one is neutral in the overall scheme of things and there is no substantive evidence to demonstrate it would reduce on-street parking or the need to 'pause' on the main road to pick up or drop off at the site, or that the existing dwelling is causing a highway safety concern.
22. The drag distance for refuse and recycling bins to the designated refuse and recycling collection point exceeds the Manual for Streets guidance at around 45m away from unit 5. The appellant informs me that a management company would be in place to drag the bins from the houses to the collection point at the front of the site to facilitate regular roadside collection. Although the appellant informs me this could be secured via condition, I am not satisfied there is sufficient information before me to meet the requirements of paragraph 56 of the Framework. On this basis I cannot be certain that this would be an acceptable form of mitigation.

23. Fire hydrants on site could satisfy the required London Plan policy although there is no substantive evidence before me to indicate this would be acceptable to the Council.
24. Therefore, all things considered, the proposal has not demonstrated that pedestrian and vehicular safety would be safeguarded to meet the objectives of the Core Strategy CP24 and Policies DMD 8, DMD 45 DMD 46 and DMD 47 of the Development Management Document 2014 that aims to encourage sustainable travel, safe and inclusive developments and to protect highway safety. Nor would it meet the broad aims to protect highway safety, and high standards of fire safety of Policies D3, D12, T4 and T6 of the London Plan and the National Planning Policy Framework. I find no direct link to DMD policy 6 as this relates in the main to residential character.

Planning Balance

25. The Council confirm that they are under-delivering net additional homes within the Borough as the Housing Delivery Test confirms this to be the case. Therefore, the Council are required to improve upon this position through the imposition of a Housing Action Plan. With this in mind, the Framework advises that for decision making, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. The harms that I have identified as arising from the proposal needs to be balanced against the benefits that the scheme would bring about. The appellant indicates that the proposal would provide five new homes of a mixture of bedrooms, most being family homes; it would be constructed to comply with Part L of the Building Control energy compliance statement with carbon emission reductions that the development would bring would exceed those levels set within the London Plan, and using the installation of renewable technology through air source heat pumps and photovoltaic tiles. Ecological mitigation can be incorporated into the site through bird and bat boxes and biodiversity enhancements can be included by virtue of the landscape planting scheme. A SUDS strategy would also be designed into the site using permeable paving and rainwater harvesting butts installed. Cycle parking could be secured via planning condition into each housing unit with the addition of electric vehicle charging points to the parking area.
27. I have taken account of the benefit of providing a net increase of four new homes to the housing stock of the Borough. As part of this it would provide a range of housing from two beds, three beds and four bed family homes within a sustainable location with regards to accessibility to local services, amenities and employment opportunities. This is only a small increase to which I apportion moderate weight in the balance. Much of the surface water strategy proposed and ecological and biodiversity elements of the scheme are however required to comply with local policy to make the development acceptable in planning terms. As too is the need to include cycle parking, and vehicle charging points are welcome to promote sustainable transport, this only amounts to a small enhancement to the site. I apportion it only limited weight. Energy efficiency measures at the amount proposed to reduce carbon emissions at the site would bring environmental benefits. However, although

this would be a benefit, I afford this only more than moderate weight in the round.

28. Whilst there are benefits to the scheme, all things considered the adverse impact of the proposal arising to the character and appearance of the local area, the living conditions of future occupants and highway safety significantly and demonstrably outweigh the benefits of the proposal.

Other Matters

29. There is no substantive evidence before me to conclude that the proposal would adversely affect the living conditions of the adjacent occupants beyond the appeal site. However, this is neutral and therefore does not weigh for or against the proposal.
30. Whilst the houses would be modern in design, there is no substantive evidence to demonstrate they would be 'high quality' according to the appellant.
31. However, I am dismissing the appeal in any case and requires no further comment on my part.
32. Any complaints expressed by the appellant about the Council's service should be directed to them in the first instance and is not within my remit to comment upon.

Conclusion

33. The proposal would conflict with the development plan as a whole and there are no other material considerations which lead me to determine the appeal otherwise than in accordance with it. For the reasons given, the appeal is dismissed.

Alison Scott

INSPECTOR

