



Appeal Decision

Site visit made on 10 September 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/Q5300/W/24/3343422

18 Walters Road, Enfield EN3 4RH

- 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 Calogero Mingoia against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/03094/FUL.
 - The development proposed is demolition of detached outbuilding to rear of garden of 18 Walters Road. Thence in place a proposed 2 bedroom bungalow with dormer, entrance from Sedcote Road. Site sub divided.
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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.
 - whether the proposal would provide acceptable living conditions for any future occupiers of the proposed dwelling with regard to the provision of internal space.

Reasons

Character and Appearance

3. Walters Road and Sedcote Road are located in an established residential area characterised by two-storey dwellings. The roofscape on Sedcote Road is uniform in nature and results in a pleasant character to the street.
4. The appeal scheme would replace an existing detached outbuilding and introduce a bungalow with a pitched roof and two side dormers to the street scene. The side dormers would be set in from the eaves. The proposed development would be a discordant feature due to the design of the pitched roof and the proposed side dormers which would together result in an incongruous and bulky addition to the streetscape. Notwithstanding that the proposed development is only some 1.996m higher than the extant permission¹ for a flat roof bungalow, it would still result in a prominent and incongruous addition to the roofscape.

¹ Planning Application Reference: 22/01351/FUL

5. Moreover, the appeal site is close to both 18 Walters Road (No 18) and 2 Sedcote Road (No 2). The proposal would involve the subdivision of the gardens of 16 and 18 Walters Road. Whilst in principle this does not necessarily harm the streetscene, the height and design of the roof would encroach upon the openness of the space between No 18 and No 2 and thereby increase the sense of enclosure on the street. Therefore, the appeal scheme would fail to assimilate with the relatively uniform terraced features of Sedcote Road.
6. My attention has been drawn to a previous planning application² which was granted permission at the same site for a bungalow. I do not have the full details of the previous scheme. However, the extant permission incorporates a flat roof design and can therefore be distinguished from the appeal proposal and the harm I have identified.
7. In summary, the proposed development would result in harm to the character and appearance of the surrounding area. Therefore, the development would conflict with Policy D4 of the London Plan 2021, Policy CP30 of the Enfield Core Strategy 2010-2025 and Policies DMD6, DMD8, DMD13 and DMD37 of the Enfield Development Management Document 2014. These policies seek, amongst other things, to ensure a high level of design regarding new development, including roof extensions and that new development respects and assimilates with the character of the surrounding area. The appeal scheme would also fail to accord with the aims of achieving well-designed places as outlined in the National Planning Policy Framework (the Framework).

Living Conditions

8. The proposed development would provide two bedrooms. The London Plan 2021 requires that the single bedrooms should have a minimum of 7.5sqm of floorspace. Notwithstanding the plans which indicate that the smaller bedroom would result in 8.4m², both parties in their submissions refer and agree to the bedroom providing 6m² of internal floor space. Consequently, I have accepted that the bedroom would provide 6m² and the bedroom therefore fails to meet the minimum requirement as outlined in the London Plan 2021. Moreover, the appeal scheme fails to provide sufficient indoor storage space as outlined by the London Plan. Therefore, when assessed in conjunction with the proposed floor to ceiling levels, which would be below the minimum 2.5m required by the London Plan, the appeal scheme would not result in satisfactory living conditions for any future occupants.
9. The appellant has highlighted that the second bedroom could be used for other purposes such as a nursery or office and that the partition wall could be removed to provide one master bedroom. I have assessed the appeal scheme on the evidence before me, as did the Council and therefore any possible changes in the future to the configuration of the appeal scheme are not determinative to this appeal.
10. I conclude therefore, that the appeal scheme would not provide acceptable living conditions for any future occupiers with regard to the provision of internal space provided. The proposal would conflict with Policies D4 and D6 of the London Plan 2021, and DMD8 of the Enfield Development Management Document 2014. These policies seek, amongst other things, to ensure that

² Planning Application Reference: 22/01351/FUL

new development meets the minimum internal space standards and provides adequate housing for any future occupiers.

11. The appeal scheme would also fail to accord with the aims of achieving well-designed places as outlined in the Framework.
12. Policy CP30 of the Enfield Core Strategy 2010-2025 and Policies Policy DMD6 and DMD37 of the Enfield Management Document 2014 relate to ensuring development is of a high-level design and assimilates with the character and appearance of the surrounding area. These Policies are therefore not determinative in regard to the internal space provided by the appeal scheme.

Other Matters

13. The appellant also notes that no objections have been received relating to the proposed development and that it would comply with other housing policies. However, this does not indicate an absence of harm and in any case these are neutral matters which weigh neither in favour of, nor against the proposal.
14. The appellant sets out that there is a fallback whereby an additional storey could be added to the extant permission, under Class AA of the Town and Country Planning (General Permitted Development) Order 2015. However, given that the extant permission has not been implemented prior to 28th October 2018 it would not comply with the legislation. Consequently, there is no fallback position.

Final Balance

15. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the development plan, given the conflict regarding harm to the character and appearance of the surrounding area and the living conditions of future occupants. For these reasons, the development conflicts with the development as a whole and should be refused unless other material considerations indicate otherwise.
16. The Council can only demonstrate 73% of its London Plan housing target in the latest measurement period of 2019/20-2021/22. This is substantially below the supply they are expected to deliver.
17. Paragraph 11 d) of the Framework explains that in these circumstances, planning permission should be granted 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.
18. An acceptable level of living conditions in terms of internal space for the future occupants of the dwelling would not be achieved considering the internal floor space and lack of internal storage space. Moreover, the proposed roof design including the side dormers would be an incongruous feature within the uniform roof scape. Consequently, this would result in significant harm to the character and appearance of the surrounding area.
19. Whilst the proposal would make use of underutilised land and deliver an additional housing unit in an acceptable location in a Borough that is falling below their HDT, one unit is a modest contribution.

20. Therefore, when assessed against the policies in the Framework taken as a whole, the significant adverse impact on the character and appearance of the surrounding area as well as the inadequate living conditions the scheme would provide for any future occupants, would significantly and demonstrably outweigh the benefits.

Conclusion

21. 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. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR