



Appeal Decision

Site visit made on 1 October 2024

by C Billings BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/Q5300/W/24/3336715

Land adjacent to 1 Sedcote Road, Enfield, London EN3 4RQ

- 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 Bekim Kelmendi against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/02514/FUL.
 - The development proposed is to build a single-storey residential dwelling with 1 bedroom for up to 2 people.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed dwelling would provide acceptable living conditions for future occupants, with regard to means of access to it.

Reasons

3. The appeal site, as shown outlined in red on the proposed site location and block plan, does not include land which connects to a public highway. Although the Highway Impact Statement, dated October 2023, indicates how vehicles and pedestrians would access the appeal site from the public highway, via land between 1a and 1b Sedcote Road, this land lies outside the appeal site.
4. It is undisputed by the main parties that the proposed onsite vehicle parking space and onsite cycle parking, subject to condition, could be provided in accordance with the Council's required parking standards. However, no substantive evidence has been provided to demonstrate whether or not the appellant owns or has a legal right of access over the land between the appeal site and public highway, to allow suitable access to the proposed dwelling and its associated parking. Therefore, there is no certainty over whether or not the access arrangements to the proposed dwelling would be secure from a legal perspective.
5. Also, from my site observations, the existing area of hardstanding between the site and the public highway is currently being used as a shared driveway and there is existing marked out parking spaces to the side of 1b Sedcote Road. Therefore, even if the appellant owns or has a right of way over the land leading to the public highway to provide access to the proposed dwelling, it is not clear from the information provided how this would affect the existing parking arrangements to the side of 1b Sedcote Road and/or whether the

proposed vehicular access to the new dwelling would be unobstructed due to the use of the adjacent shared driveway area.

6. The appellant asserts that the Council's transportation team have no issues with the appeal proposal. However, from the evidence provided, further comments were made by the transportation team, setting out that it should be clarified there is a right of access and that, if access is not possible, then a parking survey should be provided.
7. Without appropriate secured means of access to the proposed dwelling, this would subsequently have a harmful effect on the future occupant's enjoyment of the dwelling, with regard to the inability to gain access to and park at their property for their general daily use and servicing, including waste management and in respect of access to the property by emergency services.
8. In view of the above, insufficient information has been provided to demonstrate that the proposed dwelling would provide acceptable living conditions for future occupants in terms of means of access to it. In such regard, the proposed development would be contrary to Policies D4, D5, and D6 of the London Plan (March 2021) (LP) and Core Policies 4 and 30 of the Enfield Core Strategy (November 2010) (ECS), which promote development of good and high-quality design.
9. Policy D6 sets out, amongst other matters, that qualitative aspects of development are key to ensuring successful sustainable housing, with reference to table 3.2, which includes that, development should ensure that the experience of arrival, via footpaths, entrances and shared circulation spaces is comfortable, accessible, and fit for purpose. In relation to fire safety, there would be conflict with Policy D12 of the LP, which requires, amongst other matters, that all development proposals must provide suitable and convenient means of escape and provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.
10. Also, the proposal would conflict with Core Policy 25 of the ECS and Policies DMD 8 and DMD 45 of the Enfield Development Management Document (DMD) (November 2014), which, amongst other matters, require new development to be accessible and/or to have adequate access. With Policy DMD 45 of the DMD requiring all new development to be designed to be fully accessible for all mobility requirements and that parking layouts meet all manoeuvring requirements, including those for emergency and servicing vehicles. Additionally, there would be conflict with Policy DMD 47 of the DMD, which requires attractive, safe, and clearly defined and convenient routes for pedestrians and adequate, safe and functional vehicular and servicing access.
11. The proposal would also conflict with the guidance contained in the Council's Waste and Recycling Storage Planning Guidance (March 2020) which requires new development to ensure adequate provisions with respect to the space and access for the containment of receptacles is provided.
12. While the Council refers to Policy DMD9 of the DMD in its reason for refusal. This relates to the provision of good quality private amenity space, rather than access per se to new dwellings, therefore, I find no conflict with this policy. Also, there would be no conflict with Policy DMD 48 of the DMD, as this relates to the impact of development on the highway network in terms of trip generation, more particularly in relation to major development proposals.

Other Matters

13. That no concerns, subject to conditions, were raised by the Council's environmental health department and Thames Water and, that the proposed dwelling would fit well with the character of the area, provide additional housing in the area and not harm the living conditions of neighbouring occupiers through overlooking are neutral matters, which do not relate to the main issue of concern in this appeal. Therefore, such matters do not outweigh the concerns I have found in respect of the main issue.

Conclusion

14. For the reasons given above, the proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
15. Accordingly, the appeal should be dismissed.

C Billings

INSPECTOR