

Appeal Decision

Site visit made on 25 November 2024

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/Q5300/D/24/3353248

61 Derwent Road, Southgate, Enfield N13 4QA

- 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 Gordon Nash against the decision of the Council of the London Borough of Enfield.
 - The application ref. is 24/01914/FUL.
 - The development proposed is vehicular access and associated hardstanding (part retrospective).
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposal in the heading above is taken from the Council's decision notice and the planning appeal form. It is more concise and accurate than the one provided on the application form.
3. The application was, in part, made retrospectively. In December 2022, a brick wall on the front boundary was removed. Permeable block paving was laid across the forecourt which was previously mostly covered by shrubs and other vegetation. The works still to be carried out would amount to a vehicular crossover to a maximum width of 2.4m and the creation of planting beds on the sides of the forecourt each containing 7 evergreen shrubs (*Buxus sempervirens*).

Main issue

4. The appeal site falls within the Lakes Estate Conservation Area (LECA). The main issue is the impact of the proposed development upon the character and appearance of the Derwent Road street scene and the LECA.

Reasons

5. The determination of the appeal is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the London Plan 2021 (LP), Enfield's Core Strategy 2010 (ECS) and Enfield's Development Management Document 2014 (EDMD). I have also taken into account the LECA Character Appraisal (LECACA). In addition, there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, a
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designated heritage asset. The National Planning Policy Framework (the Framework) expects such assets to be conserved in a manner appropriate to their significance, with any harm to, or loss of, significance requiring clear and convincing justification. It explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6. Derwent Road is a residential street. No. 61 is a brick-built, semi-detached house of 2 storeys on the western side of the road. Understood to have been constructed in the early 20th century, it addresses the road in the traditional manner behind a fairly short front garden and has an attractive front elevation with high-quality architectural detailing. It is typical of the well-preserved Edwardian domestic architecture that lends significance to the LECA and makes a positive contribution to the area, as most of the properties do on this road.
7. The front boundary wall at no. 61 that was removed was of brick construction with piers at each end. It appears to have been built around 2009 prior to the Article 4 Direction in 2010. Even though this wall replaced the property's more interesting original brick rubble front boundary wall, it enclosed the front of the property in a traditional and balanced manner. Planting in the front garden was also in evidence. I am satisfied that the former front garden and its enclosure, immediately prior to the works taking place, made a positive contribution to the character and appearance of the LECA.
8. I acknowledge that the overwhelming majority of properties along Derwent Road, including nos 59 and 63, have access to a hardstanding in the front garden, mostly used for parking cars. There are few retained front garden walls. Greenery, shrubs and trees within the front gardens are at best intermittent. However, the front boundary walls and traditional front garden planting that do remain provide for important variety and visual enclosure to the street frontage and help to soften and add character to the street scene within the LECA. There are good examples of this archetypal suburban townscape a short distance away from the appeal site at nos 48, 50, 66, 70 and 73. The LECACA highlights that this pattern of front gardens is one of the key factors that give the LECA its special interest and that the paving over of front gardens for car parking and the loss of traditional boundaries and front garden planting are issues facing the LECA that need to be addressed.
9. Moreover, from the information before me, the hard surfaces in various open front gardens either pre-date the introduction of the Article 4 Direction in 2010 or, as in the case of 65 Derwent Road and 64-66 Grovelands Road (not no. 65 as stated in the appeal case statement) involved schemes that were approved because they were based on replacement hard surfaces, rather than on new paving blocks fully taking up previously planted front gardens.
10. As construction projects go the proposal might well be modest, but the end result of the appeal scheme would see a mostly hard landscaped front garden, with dark grey block paving and contrasting buff-coloured blocks around the edges, being used for car parking close to the property's front elevation, with 2 relatively small strips of soft landscaping and no form of front boundary wall. This would harm the character and appearance of the LECA as the introduction of an open front garden made up mostly of hardstanding would lack the visual

interest and softness of the former planted area and erode the character of the street scene. Whilst some soft landscaping in the form of the evergreen shrubs would be added and could be secured by a planning condition, this would not overcome the negative impact upon the character and appearance of the LECA that the appeal scheme would cause, resulting from the paving over of most of the front garden for car parking and the loss of the physical enclosure to the street frontage. The LECACA now provides strong protection for front gardens from further loss of character by the provision of hardstanding for car parking and the removal of traditional boundaries and garden planting.

11. There would be a lasting adverse impact on the street scene. The quality of the built environment is one of the characteristics from which the LECA derives its significance. The character and appearance of the LECA would not be preserved or enhanced. The scheme could legitimately result in other occupiers seeking to do the same especially if no similar works to those in the appeal scheme have been permitted in Derwent Road since the introduction of the Article 4 Direction.
12. In the Framework's terms, it is clear that the harm to the significance of the conservation area as a designated heritage asset would be less than substantial. I acknowledge that the appellant or other future occupiers may wish to use electric vehicles and have a convenient layout for the charging cables. I do not dismiss this benefit of the proposal lightly but it is not clear as to whether that could be classed as a public benefit and in any event, even if it could, it does not outweigh the harm to the conservation area that I have found, to which I must attribute great weight. Moreover, it would not be reasonable to restrict the use of the off-street parking space to electric vehicles only.
13. I find on the main issue that the proposed development would therefore harm the character and appearance of the Derwent Road street scene and the LECA. There would be conflict with Core Policies 30 and 31 of the ECS, Policies DMD 37 and 44 of the EDMD and LP Policy HC1. Taken together these policies seek to ensure that all development is of high quality design that respects its context and surroundings and conserves and enhances the special interest and significance of designated heritage assets. The appeal scheme also goes against the Framework insofar as it relates to achieving well-designed and beautiful places and conserving and enhancing the historic environment.

Concluding comments

14. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. The appellant has raised the matter of potential enforcement action. That is not for me to comment upon. The Planning Inspectorate could only be involved in that matter should there be a future appeal against an enforcement notice. For the reasons given above and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR