



Appeal Decision

Site visit made on 12 January 2025

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH January 2025

Appeal Ref: APP/Q5300/W/24/3347286

23 Hillcrest, Southgate, Enfield, N21 1AT

- 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 Marcus against the decision of Enfield Council.
 - The application Ref is 24/00498/FUL.
 - The development proposed is a change of use from an outbuilding to a self-contained dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed change of use on the character and appearance of the area around Hillcrest.

Reasons

3. No 23 is a semi-detached house situated at the head of northern arm of the cul-de-sac that is Hillcrest. It has a large garden area to the rear and side. Within the side garden is a detached single-storey outbuilding with a pitched roof. The outbuilding has been extended since first constructed such that it has an L-shape. It is separated from the main house by a driveway leading to a detached garage at the rear. The outbuilding is sited in close proximity to the side boundary of the neighbouring No 22. The proposed development would involve the change of use of the outbuilding to a separate dwelling within a parcel of land that is currently a large part of the existing side garden to the dwelling.
4. From the information before me, it would appear that the appellant operates a supported living business that uses properties, including the appeal property, to offer care via Supported Living Placements. The appellant wishes to use the current outbuilding as a separate dwelling for use by an additional tenant with a Learning Disability and Autism. The outbuilding was originally constructed as an addition to No 22 Hillcrest, but has now been transferred, along with surrounding garden, to the ownership and curtilage of No 23,
5. Hillcrest is a quiet residential cul-de-sac with semi-detached houses of consistent design, with front bay windows and hipped roofs, although some, including No 22, have been extended to the side in a largely sympathetic manner. Nos 23 and 24 form the focal point at the head of the northern arm of the cul-de-sac with large open areas of garden to each side. The garden areas create a degree of openness

which allows for views beyond the houses to mature trees along the boundary at the rear. The single-storey nature of the existing outbuilding at the appeal property does not significantly interfere with these views and helps to retain the open character and appearance at the end of the cul-de-sac.

6. Policy H2 of The London Plan 2021 indicates that Boroughs should pro-actively support well-designed new homes on small sites, and recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. It also notes that incremental diversification can be supported where it provides well-designed additional housing and that there should be a principle of no net loss of overall green cover.
7. Policy DMD37 of the Council's Development Management Document (DMD) indicates that development that is inappropriate to its context, or which fails to have appropriate regard to its surroundings, will be refused. Also development should capitalise on the opportunities available for improving an area, including reinforcement of locally distinctive patterns of development. Policy DMD6 indicates that development will be permitted if the scale and form of development is appropriate to the existing pattern of development or setting. Policy DMD7 indicates that development on garden land will only be permitted if individual plot sizes are appropriate to the existing pattern of development in the locality.
8. The appellant makes note of the Draft Enfield Local Plan (DELP) which may be considered an emerging plan. The Draft Plan has not yet been through its preliminary hearing and examination stage and I can afford its draft policies only moderate weight. From the limited information available to me, it would appear that relevant draft policies in the DELP relate closely to Policy H2 of The London Plan, and I will deal with matters covered in Policy H2 in my consideration below.
9. In this case, The proposal would result one new small dwelling created by subdividing a small site. In this regard it would not conflict with Policy H2 of The London Plan. However, the outbuilding appears as unsympathetic to the consistent design of the dwellings along Hillcrest in terms of scale, design and roof form. Whilst the change of use would not alter the appearance of the outbuilding, as a separate dwelling it would be out of character and would not represent well-designed housing in the context of its surroundings. It would not reinforce the locally distinctive form of the housing in Hillcrest and, by reason of creating a new small housing plot within the open areas at the head of the cul-de-sac, it would not be appropriate to the existing pattern of development or its setting. Finally, the creation of a separate parking space to the side of the building would result in loss of green garden space, albeit to a limited extent.
10. The appellant contends that the change of use would not result in any additional construction and that the building would continue to appear as a subordinate structure to the main house. On this basis, he contends that it would not have any significant impact on the existing appearance of the surrounding area. On this specific issue I concur with his view. However, the character and appearance of the area is not limited to visual appearance alone. The character and appearance of Hillcrest is created by the repeated, almost identical semi-detached houses, some with small single-storey outbuildings to the side/front such as garages. The existing outbuilding at No 23 conforms to this prevailing character and appearance.

11. Whilst the proposed change of use would not change the visual appearance of the outbuilding, it would result in an uncharacteristic single-storey dwelling in its own relatively small curtilage, with an additional parking area off the driveway. As a separate dwelling it would appear out of scale and design with the existing houses along Hillcrest, and would result in two small plots at the end of a cul-de-sac currently characterised by a terminal view of a pair of two-storey houses, each within large open garden areas.
12. The appellant points to varied house styles in neighbouring roads, but these are not seen in conjunction with Hillcrest and do not form part of its prevailing character. He also emphasises potential benefits of adding a small new dwelling to the current supply of houses available for supported living in the area. I acknowledge the need for such work and the need for such accommodation. However, the proposal would not add to the actual amount of physical accommodation available for residents at the property, which could potentially be arranged in a manner to maximise the benefits of incidental accommodation on the site alongside primary accommodation in the main building.
13. I note that the appellant refers to one particular potential user of a self-contained property. However, I do not consider that a valid condition limiting use of the building to one user only could be attached effectively, since it would lead to significant uncertainty as to when the user left the property. Similarly, a condition restricting occupation to any person (or persons) with a physical disability and or learning difficulty including autism in association with a registered provider, would also not prove suitable in the event that the current provider ceased to operate and no other such provider or person could be found.
14. The Council acknowledges that, on the basis of inadequate housing delivery, there is currently a presumption in favour of sustainable development in accordance with paragraph 11 of the National Planning Policy Framework (The Framework). In such circumstances, The Framework states 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 in The Framework taken as a whole. In this case and as outlined above, the change of use would result in development that is harmful to the character and appearance of its surroundings. It would result in one small dwelling within a plot of uncharacteristic size and location, and the addition of one dwelling would be outweighed by the adverse effects on the character of the surrounding area.

Other Matters

15. There have been a number of objections from local residents to the proposal, chiefly with regard to potential additional noise and noting that the building was originally designed to be a workroom/store/games room and not as a separate residence. With regard to the original design, this is correct. However, the outbuilding can already be used for any purpose that is incidental to the use of the dwelling house as such, and is not restricted just to a workshop etc as originally defined. With regard to noise, I do not consider that use of the building as a residence for an occupier with a learning disability or autism would, of necessity, result in significantly more noise than if the building were to be used for aspects of supervised living incidental to the use of the main dwelling.

16. There has been some disagreement on the appropriate classification of the use of the existing dwelling within Class 3 of the Town and Country Planning Use Classes Order. I acknowledge that this is a complex matter involving issues of provision of care and whether the existing residents form a single household. However, this issue does not directly affect the principle of creating a separate residential unit by subdividing the existing plot, and I have dealt with the case on this basis.
17. The appellant contends that there would be no change to the existing situation with regard to erection of any boundary fencing treatment around the proposed new residential plot that is shown on the submitted block plan. However, there would be nothing to stop future owners from introducing such boundary treatment in the future, and this would add to the harmful effects of subdividing the existing plot, as outlined above.

Conclusion

18. I find that the proposed change of use would be harmful to the character and appearance of the area around Hillcrest. The creation of an additional small residential unit would be outweighed by this harm, and I do not consider that an effective valid condition restricting the occupiers of the separate dwelling could be applied to any permission in this case. On this basis, the proposed development would conflict with Policy H2 of The London Plan, and with the policies in the DMD as outlined above. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR