
Appeal Decision

Site visit made on 7 January 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/Q5300/W/24/3345524

26 Beech Hill, Enfield EN4 0JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by GK Properties Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 23/04063/OUT.
 - The development proposed is described as redevelopment of the site to provide 9 x residential units in two blocks, front of site - part 3-storey block with basement (containing 5 x self-contained units) and rear of site - 2-storey block (containing 4 x self-contained units) with terraces to rear of both blocks, new vehicular access, gates, communal garden and associated landscaping. (OUTLINE- Some matters reserved - access, appearance, layout and scale).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with the application form stating that landscaping is reserved for future consideration. The Council state that they considered the application in outline form with access, appearance, layout and scale being considered as part of the application. The appellant states that the application form was ticked in error and that it was their intention to apply for this development leaving access, appearance, layout and scale as reserved matters which is evident in the description of development.
3. S.79(1) of the Town and Country Planning Act 1990 (the 1990 Act) states that on an appeal under section 78 the Secretary of State may—
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the local planning authority (whether the appeal relates to that part of it or not) and may deal with the application as if it had been made to him in the first instance.
4. I accept that there is conflict with the description of development and matters said to be reserved on the application form. However, I have determined the appeal as if it had been made to me in the first instance based on the description of development on the application form, recognising the importance placed on the description given for developments. It also encompasses fewer matters and therefore reduces the risk of anyone being prejudiced. I have treated the submitted plans and details provided as illustrative in respect of access, appearance, layout and scale. However, although being illustrative, I have also treated the submitted plans as informative as to the nature such a development could take.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area,
- whether adequate living conditions would be provided for future occupiers with regard to daylight, sunlight and outlook,
- whether the proposed development would be able to manage surface water run-off, would be safe from flooding and not increase flood risk elsewhere, and
- the effect of the proposed development on the living conditions of neighbouring occupiers with regard to sunlight and outlook.

Reasons

Character and appearance

6. The appeal site is a large plot of land which contains a substantial dwelling. Other properties along Beech Hill are similar and the area mostly consists of substantial dwellings that occupy significant plots. The result is generally a loose grain of development with spacious gaps between the properties. This, combined with mature trees and vegetation that lines the road, results in an open and verdant character and appearance.
7. It is proposed to demolish the existing dwelling and construct two buildings which would be used for self-contained units. The Hadley Wood Neighbourhood Plan 2022-2039 (NP) recognises the need for single family dwellings and notes the large number that have been changed to flatted developments. In this regard, Policy HW-11 of the NP relates to development involving the replacement of single-family dwellings with self-contained apartments and required that such developments must not exceed 1 out of a consecutive row of 5 dwellings. The property next to the appeal site has already been developed and replaced with a flatted development and therefore the proposed development would be contrary to Policy HW-11 of the NP.
8. While the neighbouring property has been demolished and rebuilt into a flatted development, these are not characteristic of Beech Hill which, visually, still maintains a strong character of single-family dwellings. As such, the provision of two blocks of apartments, one behind the other, would compound the discordant nature of the adjacent development and due to the number of dwellings proposed they would inevitably occupy a large proportion of the garden that would erode the open and verdant character and appearance of the area.
9. The proposed development includes a wall to the front of the site which is generally characteristic of the area. While landscaping is a matter for consideration, the details are generally lacking but on the basis of the submitted plans it would appear most of the dense vegetation to the frontage would be removed in order to erect the wall.

10. The existing access is narrow and therefore it is likely that this will need to be widened, or a new access created to accommodate the number of dwellings proposed. This would remove more of the existing vegetation and inevitably introduce hardstanding on the frontage to provide access to any parking. The proposal would therefore erode the verdant character and appearance of the area.
11. 22 Beech Hill is next to the appeal site and from site observations it would appear to be a similar scheme to the appeal proposal before me. However, the provision of two similar developments would consist of four buildings of flats which would be harmful to the character and appearance of the area.
12. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policies DMD5 and DMD81 of the Development Management Document Adopted November 2014 (DMD), Policy CP30 of the Enfield Plan Core Strategy 2010-2025 (CS), Policies HW-1, HW-2, HW-3, HW-7 and HW-11 of the NP and Policy D3 of the London Plan. Amongst other things, these seek to ensure that development would not result in a clustering of conversions, reinforces local distinctiveness, is sensitive to the characteristics, appearance and setting of Hadley Wood, ensure front boundary treatments retrain the open character of the street scene, ensure hardstanding maximises retained area of lawn and vegetation and help create distinctive places.
13. The Council have referred to Policy DMD80 of the DMD. However, this relates to the loss or harm to trees covered by tree preservation orders or of exceptional amenity value but as the development does not propose this it does not appear relevant.

Whether adequate living conditions would be provided

14. The submitted plans show that flat 2, which would be located on the ground floor of the front building would have a window that faces a covered way which would give access to an underground car park. The covered way would not provide sunlight or daylight to this bedroom, the bedroom would also be visible from any passing cars or pedestrians.
15. The submitted plans also show that bedrooms on the first floor of the rear building would only be provided light from a single small window in each room which would not provide an adequate amount of sunlight or daylight for future occupiers.
16. Notwithstanding the above, I am mindful that the design of the proposed development would be considered at reserved matters stage and that the position of bedrooms and windows could be altered to ensure that an adequate amount of sunlight, daylight and privacy would be provided.
17. I therefore have no reason to conclude that the proposed development would not be capable of providing adequate living conditions for future occupiers with regard to sunlight, daylight and privacy. I find no conflict with Policy DMD8 of the DMD which amongst other things, seeks to ensure that development preserves amenity in terms of daylight, sunlight and privacy.

Surface water run-off and flood risk

18. The appeal site is located within flood zone 1 which is at the lowest risk of flooding. The application has been accompanied with very little information in relation to surface water run-off and flood risk.

19. The application has been submitted in outline form with, amongst other matters, layout being reserved for future consideration. While I note the Council's concerns, there is no compelling evidence that the proposal would increase existing flood risk. Nor is there any compelling evidence that the circumstances relating to this site and this proposal are so exceptional that surface water and the mitigation of flood risk cannot be dealt with by conditions.
20. I therefore have no reason to conclude that the proposed development would not be able to manage surface water run-off, would be safe from flooding and not increase flood risk elsewhere. I find no conflict with Policy CP28 of the Core Strategy and Policies DMD59, DMD60 and DMD61 of the Development Management Document. Amongst other things, these seek to ensure that development is directed to areas of the lowest flood risk, not increase flood risk elsewhere and demonstrate how proposed measures manage surface water.
21. The Council have referenced to conflict with Policies SI 12 and SI 13 of the London Plan. However, these relate to minimising greenhouse gas emissions and energy infrastructure which are not related to surface water run-off and flood risk.

Living conditions of neighbouring occupiers

22. No 28 Beech Hill is located next to the appeal site and the front building would be visible from the 30-degree angle from the first-floor window of this property. The occupiers currently look at dense vegetation and trees that form the boundary however the replacement with the large building would result in a loss of sunlight and an overbearing outlook for these occupiers.
23. Notwithstanding the above, I am mindful that the layout of the proposed development would be considered at reserved matters stage and that the position front building could be altered to ensure that an adequate amount of sunlight and outlook would be provided for neighbouring occupiers.
24. I therefore conclude that the proposed development would be capable of preserving living conditions for neighbouring occupiers with regard to sunlight and outlook. I find no conflict with Policy DMD 8 of the Development Management Document. Amongst other things, these seek to ensure that development preserves amenity in regard to sunlight and outlook.
25. The Council have referred to conflict with Policy DMD 11 of the DMD. However, this relates to rear extensions which is not the proposal before me.

Other Matters

26. The appellant has referred to other developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.

27. In regard to the large number of addresses provided along Cockfosters Road, while I note that there are several flatted developments, the character and appearance of Cockfosters Road is different from Beech Hill. Cockfosters Road itself is substantially longer than Beech Hill and development is focused on one side of the road with the other side being mostly open fields. The result is that the while there are several flatted developments close together, they are less noticeable and many of which still occupy single buildings which generally integrates better.
28. In respect of Camlet Way this is a much longer road when compared to Beech Hill and has a more varied character. The flatted developments along this road are well spaced and do not erode the established open character and appearance of this road.
29. In regard to 43 Beech Hill, this is further along the road from the appeal site and is surrounded by substantial single dwellings, as a result, the flatted development does not erode the strong character of single-family dwellings along Beech Hill.
30. I have not been provided with details of these schemes, however, due to the recent adoption of the NP it would appear many of these would also be prior to the adoption of the NP and in particular Policy HW-11 which is seeking to respond to these types of developments.

Planning Balance

31. The proposal would be contrary to Policies DMD5 and DMD81 of the DMD, Policy CP30 of the CS, Policies HW-1, HW-2, HW-3, HW-7 and HW-11 of the NP and Policy D3 of the London Plan. These Policies are consistent with the National Planning Policy Framework (the Framework) in seeking to ensure that development will add to the overall quality of the area, sympathetic to local character and maintain a strong sense of place.
32. The Council are able to demonstrate a 5-year supply of deliverable housing sites in accordance with Paragraph 77 of the Framework. However, the Council have failed its latest Housing Delivery Test (HDT) results. Thereby indicating that the delivery of housing was substantially below the housing requirement over the previous 3 years.
33. Having regard to the harm identified, Paragraph 11 d) of the Framework indicates that, in such circumstances where the requisite HDT has not been met, the Policies which are important for determining the application should be deemed out-of-date and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the Framework taken as a whole.
34. The proposed development would contribute to boosting the delivery of new homes in a situation where there is a shortfall, and the homes are proposed to be for families which is also in need in the area. The proposal would also support the creation of jobs directly and indirectly during construction and result in future occupiers spending in the locality. This attracts significant weight in favour of the proposed development.

35. In this instance, the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
36. Consequently, when assessed against the Policies in the Framework when taken as a whole the adverse impacts identified above would significantly and demonstrably outweigh the benefits.

Conclusion

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

D Wilson

INSPECTOR