
Appeal Decision

Site visit made on 20 February 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2025

Appeal Ref: APP/Q5300/W/24/3350007

112 Palmerston Road, Enfield, Southgate N22 8RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Richard Beharry (Atlas Property (London) Limited) against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/00556/FUL.
 - The development proposed is sub-division of site and erection of a 2-storey end of terrace dwelling house including lower ground floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development as set out in the above banner heading has been taken from the decision notice and appeal form as this concisely describes the proposed development.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site relates to land located within a residential setting to the rear of No 112 (No 112) Palmerston Road. No 112 is an end of terrace property located on the junction of Palmerston Road and Spencer Avenue. Its principal elevation faces onto Palmerston Road to the west with its rear garden area stretching eastwards along Spencer Avenue which runs to the south. The land in question is located to the far end of the rear garden area of No 112 but has already been subdivided from this property by a wooden fence. The property of No 54 Spencer Avenue is located to the direct east of the site with its side elevation abutting the appeal site. This property is the end of terrace property for the row of properties located along Spencer Avenue.
5. The proposed development seeks planning permission for the subdivision of the site and the erection of a 2-storey end of terrace dwelling house including a lower ground floor. The proposed dwelling would face onto Spencer Avenue and has been designed as a two-storey structure. The properties located along this part of Spencer Avenue are consistent with one another whereby they are set back from Spencer Avenue behind boundary walls and have a consistent eaves and ridge

line. They also have similar fenestration detailing located around a central door which also has a canopy feature above.

6. The proposed dwelling would follow the eaves line of the properties along Spencer Avenue but would have a lower ridge line with the overall roof arrangement appearing unequal when viewed alongside the other properties. It would also have windows to the front including a diamond shaped window which regardless of its size and their line arrangement do not follow the pattern of fenestration detailing along Spencer Avenue. The building would be set at an angle towards Spencer Avenue which then leads to a single storey element which extends fully to the boundary with Spencer Avenue. This does not relate well to the row of properties which are set further back. Whilst reflecting the height of the existing boundary fence which helps with concealment of the single storey structure, it would still be a noticeably different form of development particularly against the two-storey structure when viewed from a number of public vantage points. This would be at odds with the rhythm of development in this location and its brick boundary treatment would not sufficiently mitigate against this.
7. There is a rear extension located at No 110 Palmerston Road, but this is located on the other side of the road, associated with its host property. Based on my observations onsite, I am not convinced that the appeal site would be read alongside this extension as they are ultimately different schemes in a different location/context and thus would not reduce the proposed developments visual impact. The presence of a rear extension at No 110 would also not be a sufficient reason to justify harmful development and I am unaware of the planning history of this.
8. My attention has been drawn to other applications for planning permissions within the area and the appellant has provided details in relation to a number of these schemes. Such schemes relate to a different location and context and the overall proposals are indeed different to the appeal I am considering. I do not therefore find them to be directly comparable. In any event, I have determined this appeal based on its own merits.
9. The design approach taken is one which fails to reflect the scale, proportion, character and appearance of the surrounding nearby properties and prevailing pattern within the street. The proposed dwelling would therefore appear as an alien form of development in this location being out of keeping and visually intrusive. I have had due regard to the reasoning for the overall design approach including matters relating to its contemporary infill, creation of higher quality accommodation and optimising the use of the site. Even so, I cannot agree that the scheme complements the character of the area or adds visual interest to this location. Whilst the colouring of the proposed brick is at odds with the adjoining properties, it is not so contrasting to lead to a harmful impact particularly as the colouring of bricks along this street do indeed vary. This would not however outweigh the other harm I have identified.
10. For the reasons given above, I conclude that the proposed development would unacceptably harm the character and appearance of the surrounding area. It would therefore be contrary to Policies D3, D4, D5 and D8 of The London Plan, 2021 (LP), Policy CP30 of the Enfield Core Strategy, 2010 (CS) and Policies DMD6, DMD8 and DMD37 of the Enfield Development Management Document, 2014 (DMD). Amongst other matters, these policies explain that development

proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions. For the same reasons, the proposed development would also be contrary to section 12 of the National Planning Policy Framework (the Framework) relating to achieving well-designed places.

11. The appellant refers to a number of other local and national policies, but the proposed development would still conflict with those as set out above and consequently the development plan as a whole.

Other Matters

12. The Council explain that they have failed to meet their Housing Delivery Test. In such circumstances and as per the provisions of footnote 8 set out at paragraph 11 d) of the Framework, planning permission is granted unless, ii. 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
13. The Framework advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also advises that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
14. Set against the harm identified, there would be limited social, economic and environmental benefits associated with the proposal given the small-scale nature of the proposed development and I have had due regard to the sustainability matters put forward. The modest contribution of the proposed development would make little difference to the overall supply of housing. Consequently, the adverse impacts identified above would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
15. I appreciate that the site is not listed and is not located within a Conservation Area. I also appreciate the pre-application discussions that have taken place and changes made to the scheme to respond to comments. I am also aware of a number of matters which are not disputed. This would not however alter my findings in relation to the above main issue. The appellant sets out that the site is vacant and overgrown and has been used by fly tippers on a number of occasions. Even so, this would not be sufficient to outweigh the harm identified and such could be resolved through appropriate maintenance management.

Conclusion

16. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR