



Appeal Decision

Site visit made on 28 January 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/Q5300/W/24/3344460

293 Green Lanes, Southgate, Enfield N13 4XS

- 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 Enver Kannur against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/00071/FUL.
 - The development proposed is described as “the conversion of offices (Class E) to a mixed use of offices and self contained flats (Class C3) comprising of office at front ground floor with 1x self-contained flat at rear and 4 x self-contained flats at the upper floors, involving part single, part 3-storey side and rear and side extensions, front office entrance, additional windows to side elevation and solar panels on roof”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's notice of decision was issued, the National Planning Policy Framework (the Framework) has been revised (December 2024). The main parties have had the opportunity to comment on these changes in regard to the appeal proposal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the host property, the pair of semi-detached properties and the area, with particular regard to its siting, scale and design;
 - Whether the proposed development would provide future occupiers with satisfactory living conditions, with particular regard to privacy and outlook; and,
 - Whether there is sufficient information regarding surface water drainage and flood risk.

Reasons

Character and appearance

4. The appeal site is a semi-detached three storey property currently used as offices, which faces onto Green Lanes, its rear side is open and bounds the car park of a neighbouring supermarket. It also has a two-storey outrigger that extends to the

rear and straddles the boundary with the adjoining property (no.291), and there are parking areas to both its front and rear sides. The appeal property is located at the end of a line of similar well-proportioned semi-detached properties that mostly have steeply pitched front projecting gables on their outer sides, which positively contribute to the character and appearance of the area. On my site inspection I saw that there are no side extensions to this row of similar semi-detached properties. Although it is noted that in the immediate area there is also some variety in terms of architectural styles and building heights.

5. To the opposite side of the appeal property is an end terraced property, no. 295, that is sited with a diagonal alignment in relation to the appeal property's side boundary, so the small space between them is tapered, being wider at the front side and narrowing to the rear side. No. 295 has a similar height to the appeal property, and it has a retail use at ground floor level, it is also understood to have permission to be used as guest accommodation.
6. Notwithstanding the retention of the existing front bay window and gabled roof form, its proposed side extension, which would incorporate a flat roof, and a much shallower lean-to roof would introduce wholly unsympathetic extensions to the host property. Even considering the proposed setbacks and proximity to no. 295, the width and the tiered arrangement of the proposals, along with the different roof forms and poor integration with the host property, would harmfully contrast with its steeply pitched roof plane, creating and incongruous appearance. Moreover, the design and scale of the proposed side extensions would harm the relative balance and symmetry of the pair of semi-detached properties, and they would not form an appropriate transition between no. 293 and 295. For the same reasons the proposal would also be harmful to the character and appearance of the area.
7. The excessive scale of the proposed rear projections at three storey level, together with the multiple different flat and shallow pitch roofs would overwhelm the original property and be dominant features that would be appear as illegible additions, unsympathetic to its character and appearance. As a result, there would be little discernible parts of the original rear elevation of the property retained, and the proposed alterations would not enhance or improve its existing appearance, and they would unbalance the pair of semi-detached properties. It has been said that the proposed development's projection beyond the rear elevation has been significantly reduced following an earlier pre-application enquiry. Whether that be so, it is not sufficient justification for allowing the proposed development. Furthermore, the appearance of the private amenity spaces at first and second floor would add to the identified harm.
8. It is noted that the appellant seeks to improve the appearance of the building and that there are 4 storey properties nearby. Nevertheless, the proposed development would be visible from public vantage points from both the front and rear elevations, such views would be of the unsympathetic extensions engulfing the original well-proportioned semi-detached property including its distinctive steep pitched roofs, harming the character and appearance of the area.
9. The appellant has referred to extensions at no's 289 and 291 which I have carefully considered. However, the scale and design of the proposal is much different to those extensions and their presence does not alter my findings above. It is also accepted that no. 295 has a different roof form to the semi-detached properties, nevertheless the proposal is an extension to an existing pitched roof

property and must be assessed as such. Moreover, no.295 has a much different scale, form and design to the host property.

10. I therefore conclude that the proposed development would be harmful to the character and appearance of the host property, the pair of semi-detached properties and the area and conflict with Policies DMD6, DMD8, DMD37 and DMD39 of Enfield's Development Management Document, adopted November 2014 (DMD) and Policies CP4 and CP30 of The Enfield Plan, Core Strategy, 2010-2025, adopted November 2010 (CS), that amongst other things require high quality development with a scale and form appropriate to the area that improves locally distinctive patterns of development.
11. The Council referred to the proposal conflicting with Policies D4 and D5 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) and DMD Policy DMD39. Policy D4 is focussed on strategic design review and analysis, Policy D5 mainly relates to designing development to be inclusive and accessible, and Policy DMD39 is concerned with the design of new business premises. As such I did not find these policies to be directly determinative on this main issue.

Living conditions – future occupiers

12. The proposed development would extend very close to the side of no. 295, retaining only a very narrow space between the respective properties. No. 295 is much deeper than the appeal property and has a tall brick elevation running along most of its boundary to the appeal site, including some large windows at first floor level.
13. Facing the side of no. 295 would be 2 no. single bedroom windows and a kitchen window at ground floor (serving unit 1) and 3 no. bedroom windows at first floor (serving flats 2 and 3). Whilst there is a studio flat bedroom window at second floor level (flat 4), the Council has not identified harm regarding the outlook from its bedroom window, and with it being slightly below the roof height of no. 295, I see no reason to disagree. In addition, unit 1's double bedroom would have a dual aspect with windows onto both the side of no. 295 and on its rear side, which would ensure an adequate outlook overall for its future occupiers.
14. The very close gap between the properties, allowing only sufficient width for a narrow pedestrian pathway, would mean the outlook from within these ground floor and first floor habitable rooms would be directly facing the side elevation of no. 295. It is likely that any views above, or to the sides of no. 295 from within these rooms in question, would only be possible when very close to the windows and at oblique angles, in most situations future occupiers would be unlikely to see the sky from these rooms. It is most likely future occupiers within these rooms would look directly at no. 295, this would provide a wholly enclosing effect for future occupiers and offer no meaningful outlook from within these rooms. Whilst the flats have dual aspects and private amenity space, this would not offset the harmful effect of having such a restrictive and unsatisfactory outlook for these rooms. As a result, the outlook from these windows would be harmful living conditions for future occupiers of unit 1 and flats 2 and 3.
15. The Council say that windows on the side of the proposed development would look towards openings on the side of no. 295. On my site inspection I was not convinced that no. 295 was currently in use for guest accommodation, and it is not

clear what its present use is, I also saw that many of its side windows were at least partly covered, so it was not possible to see out of them. There is also insufficient information provided, such as the approved plans to ascertain exactly how the approved guest accommodation could affect future occupiers of the proposed development. Consequently, based on the limited information before me, and my site observations it is not possible to identify unacceptable privacy issues in this case.

16. I therefore conclude that based on the information before me there would be no unacceptable privacy effects for future occupiers, but the proposal would be harmful to the living conditions of future occupiers in terms of its outlook from within unit 1 and flats 2 and 3 and the proposal would conflict with LP Policy D3, and DMD Policies DMD6, DMD8 and CS Policy CP4 which amongst other things, require development to deliver an appropriate outlook, amenity, and that a high quality of accommodation is provided.
17. The Council has referred to the proposal conflicting with LP Policies D4 and D5 (referred to above), and DMD Policies DMD3 (housing mix), and CS Policies CP2 (housing supply), CP5 (housing type) and CP30 (improving the character of the built and open environment). I did not find these policies to be directly determinative on this main issue.

Surface water drainage and flood risk

18. The appellant's SUDs Assessment, prepared by Advance Architecture, (undated) says the appeal site is said to be in Flood Zone 1, representing a low risk of flooding from rivers and the sea. In addition, the appeal site is said not to be in an area with a known high risk of flooding from surface water, reservoirs or groundwater. It is also said the proposal would not create any additional areas of hardstanding beyond those already existing. Whilst the application form states surface water will be drained via the mains as per the existing arrangement, additional information provided, shows a scheme for infiltration, using a crate soakaway system within the rear of the appeal site with a capacity of 3200 litres. Currently the areas to the front and side of the appeal property are paved, and there is a gravel surface to the rear side. Permeable surfaces are proposed for the areas to the front and the rear of the appeal property.
19. DMD Policy DMD59 says surface water should be managed to reduce run-off and prevent the loss of permeable surfaces. DMD Policy DMD61 states a drainage strategy is required for all new development using a drainage hierarchy that promotes the most sustainable forms of drainage first, with draining into the mains system being the least preferred option. CS Policy CP21 states sustainable drainage measures should be incorporated within new developments, wherever possible. In addition, LP Policy SI 13 says development proposals should achieve greenfield run-off rates, be managed as close to the source as possible and proposals should be based on the drainage hierarchy. It is also noted that none of these policies outlined above expressly require a detailed drainage strategy be provided at application stage.
20. The Council has not disputed the size of the proposed soakaway or said that the ground conditions would likely be unsuitable for infiltration or why it would not be possible to have sustainable drainage at the appeal property. As such there is no evidence that a sustainable drainage scheme could not be provided at the appeal

site, and in any event, it is said that the appeal property already drains surface water into the mains.

21. Against this, and the above policy background, it would be reasonable in the circumstances for a detailed surface water drainage strategy to be conditioned based on using the sustainable drainage hierarchy, and include any source control mechanisms, permeable paving, rainwater pipe details, and any overland and exceedance flow details. Such a condition would likely meet the relevant tests set out within paragraph 57 of the Framework. Moreover, it is not uncommon for such matters to be conditioned, particularly considering the scale of development proposed, and when a site is not within an identified area with known drainage or flood risk issues.
22. In view of the above and given the appeal site is not located within an area with any known increased risks of flooding, there should be no unacceptable flood risks arising.
23. I therefore conclude that subject to a suitably worded planning condition to address surface water drainage, the proposal would not create unacceptable flood risks and would comply with the objectives of LP Policy SI 13, DMD Policies DMD59 and DMD61 and CS Policy CS21, insofar as they seek to ensure new development can be adequately drained using the hierarchy of drainage methods to ensure the most sustainable method is used, and not cause unacceptable flood risks.
24. The Council referred to the proposal conflicting with DMD Policies DMD60 which sets out requirements for Flood Risk Assessments, DMD62 relating to flood control and mitigation measures, and DMD63 that is concerned with protection and improvement of water course and flood defences. It was also said the proposal did not accord with CS Policies CP28 relating to managing development in areas of known flood risk and CP29 in relation to flood risk management infrastructure. Finally, the Council also referred to conflict with LP Policy SI 12 relating to flood risk management. As the site is not major development, it is in flood zone 1 and not shown to at any increased risk of flooding, I did not find these policies relating to flood risk matters to be directly determinative in regard to surface water drainage matters at the appeal site.

Other Matters

25. The appellant has referred to their pre-application enquiry with the Council prior to this application being made. It is unfortunate that the enquiry did not result in an acceptable scheme being submitted, and I acknowledge the changes made by the appellant to address some of the Council's concerns. Nevertheless, in my decision I have assessed the planning merits of the appeal scheme before me.
26. It is acknowledged that the appeal property is not listed or within a Conservation Area; that the proposed development would provide a satisfactory amount of private outdoor space for each flat; that sympathetic external materials would be used; the new units would meet minimum space standards; that it would provide satisfactory secure cycle and refuse storage; and that the new units would have dual aspects with adequate day light and sun light. However, these are all likely to be requirements of any such well-designed development and are neutral factors that do not weigh in favour or against the proposal.

Planning Balance and Conclusion

27. I found that subject to a suitably worded condition, surface water from the appeal site could be satisfactorily drained and the proposal would be unlikely to increase flood risks in the area and comply with the development plan in these respects. However, I also found the proposal to conflict with the development plan in terms of its effect on the character and appearance of the area and because it would create living conditions that would be harmful for some of the future occupiers of the proposed development. I give these identified harms and conflict with the development plan significant weight.
28. The Council has advised that its latest housing supply position is 3.1 years of housing (calculated November 2024), it therefore cannot demonstrate a 5-year supply of housing. As such, in accordance with footnote 8 of the Framework, the presumption in favour of sustainable development as set out within paragraph 11 applies.
29. With there being no identified conflict with policies of the Framework referred to in footnote 7, paragraph 11 d) ii is engaged, which states planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of 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.
30. The benefits of the proposal include its contribution to Government's objective of significantly boosting housing supply, particularly its contribution to Enfield's overall supply of housing. Furthermore, factors such as its sustainable and well-connected location, it being the re-development of a small site for a mixed-use development (including retaining an office use) that would make an efficient use of land, and improve the quality of the existing accommodation weigh in favour of the proposal. Future occupiers of the proposed development would also likely contribute to the local economy and services. There would also be economic benefits arising from the construction works for the proposed development. Taking the benefits together, given the scale of the proposal they attract modest weight at most.
31. Against this would be the harm arising to the character and appearance of the area, and in this regard the Framework at paragraph 131 also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, it states that good design is a key aspect of sustainable development, to create better places in which to live and work and helps make development acceptable to communities, and at paragraph 139 it says development that is not well designed should be refused. Paragraph 135 makes it clear that developments should function well and add to the overall quality of the area and be sympathetic to local character and history. The proposal would, for the reasons outlined above, conflict with these policies of the Framework and would not provide a well-designed place.
32. In addition, the proposal would also conflict with paragraph 135 of the Framework that requires development to provide existing and future users with a high standard of amenity.

33. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
34. To conclude, the proposal would conflict with the requirements of the development plan when taken as a whole, and there are no other considerations, including the Framework and those raised by the appellant, that outweigh this conflict. For the reasons outlined above the appeal should be dismissed.

A Hunter

INSPECTOR