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## Appeal Decision

Site visit made on 8 April 2025

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

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

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**Appeal Ref: APP/Q5300/W/24/3358192**

**126 Leyburn Road, Edmonton, Enfield N18 2BQ**

- 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 Sattar Shah against the decision of the Council of the London Borough of Enfield.
  - The application Ref is 24/02681/FUL.
  - The development proposed is conversion of detached granny annex to a Class E(g)(i) office and store.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the site would be an appropriate location for the development proposed having regard to access to public transport, maintaining the vitality of town centres and providing employment generating uses in areas identified,
  - the effect on the character and appearance of the area, and
  - the effect on the living conditions of neighbouring occupiers with regard to noise and disturbance.

### Reasons

*Whether an appropriate location*

3. Policy DMD25 of the Development Management Document (DMD) Adopted November 2014 (DM) states that new office development will be permitted within Enfield Town and the borough's four district centres. The appeal site is not located within these areas. The appellant suggests that there are no alternative sites within the permitted areas, however, there is very limited evidence to demonstrate that this is the case.
4. In light of the site's location, which would be outside of the areas identified for office uses, it would be poorly located and not support the vitality of town centres.
5. The Council consider that the appeal site is poorly served by public transport. However, I note that the appeal site is within walking distance to a number of facilities and is also a short walking distance from bus stops and Silver Street railway station. I therefore consider that the appeal site is well served by public transport.

6. Notwithstanding my finding on access to public transport, I conclude that the proposed development would not be appropriately located having regard to maintaining the vitality of town centres and providing employment generating uses in areas identified. It would be contrary to Policies E1 and E2 of the London Plan 2021, Policies 13 and 17 of the Enfield Plan Core Strategy 2010-2025 Part of Enfield's Local Development Framework Adopted November 2020 (CS) and Policy DMD25 of the DM. Amongst other things, these seek to focus new growth in Enfield's town centres.
7. I find no conflict with Policy T1 of the London Plan which seeks to ensure that 80 per cent of all trips in London are made by foot, cycle or public transport by 2041.

#### *Character and appearance*

8. The appeal building is existing and only minor external changes are proposed. Similar outbuildings are a common feature of the wider area with many of the terraced houses having detached outbuildings within the rear gardens. However, the current use of the building is ancillary to the main dwelling as a granny annex.
9. The proposal to use the outbuilding as an office would be separate from the main dwelling and while minimal external changes would be made to the building, the use as an office would be at odds with the prevailing residential character of the area. While the office use would be low key, the comings and goings would highlight the change and commercial nature of the proposal.
10. I therefore conclude that the proposed development would harm the character and appearance of the area. It would be contrary to Policy D4 of the London Plan 2021, Policy 30 of the CS and Policies DMD6, and DMD37 of the DM. Amongst other things, these seek to ensure good and high-quality design, the scale and form of development is appropriate to the existing pattern of development and makes a positive contribution to quality of life and a place's identity.
11. The Council have found conflict with Policy D6 of the London Plan and Policy DMD8 of the DM. However, these relate to housing quality and standards as well as general standards for new residential development which is not relevant to the office and store that is proposed in the appeal before me.

#### *Living conditions of neighbouring occupiers*

12. The appellant proposes to use the office between 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No use is proposed on Sundays and Bank Holidays. While a condition could restrict the hours of operation, the potential comings and goings between these hours would still be unusual in a residential area. I note that only one person is proposed to use the building; however, the overall size is large enough to accommodate more which could not be controlled by condition as it would not meet the tests outlined in Planning Practice Guidance with regards to its enforceability.
13. The closeness to neighbouring dwellings at No's 124 and 126 Leyburn Road would result in noise and disturbance from the potential users of the office through their comings and goings which could be throughout the hours of operation.

14. I note the previous use of the building as an annex for elderly residents. However, the annex would have had a connection to the main dwelling, and it is unlikely that there would have been comings and goings and regular times each day that are proposed through the appeal scheme. The proposed development would therefore represent an intensification of use which would result in an increased level of noise and disturbance for neighbouring occupiers.
15. I therefore conclude that the proposed development would harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would be contrary to Policy D4 of the London Plan, Policy 30 and 32 of the CS and Policies DMD37 and DMD68 of the DM. Amongst other things, these seek to ensure good design and that developments must be managed and operated to reduce exposure to noise.
16. The Council have found conflict with Policy D6 of the London Plan; however, this relates to housing quality and standards which is not relevant to the office and store that is proposed in the appeal before me.

### **Other Matters**

17. The appellant has referred to another development in an attempt to justify the appeal proposal. I do not have the full details in respect of such example 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.
18. In regard to Land adj to 117A Grove Avenue, the appeal site is located within a different Council area where the Policy DMD25 of the DM would not be relevant. I also do not have any information in regard to access to public transport or the location of the town centre.

### **Conclusion**

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

*D Wilson*

INSPECTOR