
Appeal Decisions

Site visit made on 7 April 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 May 2025

Appeal A Ref: APP/Q5300/W/24/3352833

38 Capel Road, Enfield EN1 4SP

- 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 Mr Hemlock Properties against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/02340/OUT.
 - The development proposed is described as the 'creation of new dwelling with private amenities'.
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Appeal B Ref: APP/Q5300/W/24/3357427

38 Capel Road, Enfield EN1 4SP

- 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 Mr Hemlock Properties against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/03416/OUT.
 - The development proposed is described as the 'creation of new dwelling with private amenities, bin storage and bicycle storage'.
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Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Applications for costs

3. An application for costs was made by Mr Hemlock Properties against the decision of the Council of the London Borough of Enfield in relation to Appeal B. This application is the subject of a separate decision.

Preliminary Matters

4. The address in the banner headings refer to 38 Capel Road (No 38). The submitted drawings indicate that the appeal site is land to the side of No 38 and I have determined the appeal on this basis. Both appeals relate to this site. They differ only insofar as the indicative plans provided. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. The applications were submitted in outline form with all matters reserved. I have therefore treated the drawings as being for indicative purposes only in terms of the access, appearance, layout and scale of the proposed dwelling shown in each appeal.

6. A revised National Planning Policy Framework (the Framework) was published in December 2024. In this instance, there are no substantive changes to the policies of the Framework most relevant to the appeals. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issues

7. The main issues in both appeals are:
- the effect of the proposed development on the character and appearance of the area: and
 - whether suitable access point(s) would be provided.

Reasons

Character and appearance

8. Capel Road is a residential street containing regular sets of two-storey terraced dwellings and some semi-detached dwellings on both sides, both of which are set back behind similar sized front garden/driveways. There is a footway on both sides. Grassed areas, particularly around corner plots and soft landscaping within front gardens provide a limited yet important relief to built form along the street. Chimneys, facing brickwork and tiled roofs are prevalent on external surfaces of houses. Despite some alterations and extensions to existing dwellings, the street scene has a cohesive character and appearance, informed by the prevailing linear form and consistency in materials, spacing and rhythm of development.
9. The appeal site is an unenclosed grassed area with a small area of tree and shrub planting located on a corner plot to the side of No 38, a two-storey end of terrace dwelling. No 38 is a bookend terrace and both end houses of the terrace have distinctive gable features and are set slightly forward of the other pitched roof dwellings in the row. The main part of Capel Road is located to the front of the appeal site. Capel Road also continues to the side of the appeal site, forming a secondary street leading to a row of garages located to the rear of No 38 and the adjoining dwellings. The unified appearance of the terrace makes a positive contribution to the cohesive character and appearance of the area.
10. Whilst all matters are reserved, it is still necessary to consider whether an acceptable development as described in the proposal can be devised based on the evidence provided including any indicative plans.
11. Indicative plans submitted with both Appeal A and B propose a two-storey detached dwelling. Each differ in terms of their design and layout and the footprint of the dwelling indicated in Appeal B would be set in further away from the side boundary.
12. The appellant indicates that the proposed dwelling in each case would be of a similar height and set back from the road to adjacent buildings. It could also incorporate similar design features. Even so, its siting and layout on any part of the appeal site would be highly appreciable along Capel Road due to its prominent corner position. The detached nature of the dwelling in both appeals, would be at odds with the more prevalent terraced and semi-detached house types in the area. Furthermore, the introduction of built form including the loss of the grassed area

would represent a stark contrast to the existing more open qualities of the appeal site and would result in an unacceptable erosion of the spacious characteristics of this part of the street. The marginal set back away from the side boundary indicated in the plans submitted with Appeal B, would not mitigate this harm.

13. Furthermore, the provision of parking space to the front of the site, as indicatively shown by the access point in relation to Appeal A, would add to the harm identified since this would reduce the opportunity for street greenery within the proposed front garden area.
14. I conclude in respect of both Appeal A and Appeal B, that the proposed development would be harmful to the character and appearance of the area. In this regard, the proposed development in both appeals would conflict with Policies D3 and D4 of The London Plan (2021) (TLP), Policies DMD6, DMD7, DMD8, DMD37 and DMD38 of the Improving Enfield Development Management Document (DMD) (2014) and Policies CP4 and CP30 of The Enfield Plan Core Strategy 2010-2025 (2010) (CS) insofar as they require good design, that development positively responds to local distinctiveness, is appropriate to the existing pattern of development, does not harm the character of the area and that development which fails to have appropriate regard to its surroundings should be refused.
15. The proposed development would also conflict with paragraph 135 of the Framework which requires development to establish or maintain a strong sense of place, using the arrangement of streets and spaces to create an attractive, welcoming and distinctive place to live.

Parking

16. Whilst access is a reserved matter, one access point is indicatively shown in Appeal B and two access points in Appeal A, both of which would be taken from the secondary part of Capel Road. These access points are envisaged to lead to off-street parking spaces within the site.
17. There are multiple driveways serving off-street parking spaces along Capel Road. My observations on site were that whilst there is no dedicated footway along the secondary part of Capel Road, pedestrians and vehicles are able to share this part of Capel Road as it is not heavily trafficked. Despite the Council's representations, I am not persuaded that the creation of a new access point to provide a single off-street parking space to the front of the site in close proximity to the junction in Appeal A, would result in a detrimental impact on highway and pedestrian safety. This is due to the availability of manoeuvring space, visibility at this point and the likely low level of activity on the secondary road.
18. In Appeal B, the Council suggest that the provision of two vehicle parking spaces would result in the over provision of parking within the appeal site which would fail to appropriately prioritise active and sustainable travel. However, the quantum of off-street parking provision proposed is a matter that could be reduced at reserved matters stage if necessary.
19. I conclude in respect of both Appeal A and Appeal B, that the proposed development would provide suitable access point(s). In this regard the proposed development would comply with Policy T6 of the TLP, Policies DMD45 and DMD47 of the DMP and Policy CP24 of the CS insofar as they require the consideration of parking standards, car parking to be restricted in line with levels of existing and

future public transport accessibility and connectivity, encouragement of sustainable travel choices and access to be appropriately sited. Even so, this does not overcome the harm I have identified in relation to the first main issue.

Other Matters

20. The appellant has drawn my attention to planning permission for developments at 80 Brimsdown Avenue (Council Ref: 18/04164/FUL) and Lackmore Road (Council Ref: 18/03679/FUL). Whilst copies of planning submission documents for these developments have been provided, it is clear that there are differences between these examples and the appeal proposals. As well as being on a different road to the appeal site, the Brimsdown Road development is located within a row of dwellings as opposed to being located on a corner plot. Whilst Lackmore Road is located on a corner plot, it also differs from the appeal proposal as it appears that it was designed as an extension to an existing building. Accordingly, the circumstances of those appeal decisions were materially different to the appeals before me.
21. The appellant has made representations relating to the Council's handling of the planning applications including lack of engagement. However, this is not a matter for these appeals and I have determined the appeals on their planning merits against the policies of the development plan.
22. There is no dispute between main parties that the proposals would provide an additional family dwelling located close to public transport links and local amenities. It could also incorporate sustainable construction materials, cycle parking, energy efficiency and secure design principles, as well as providing social and economic benefits during construction and after occupation. However, given the scale of the development in each of the appeal proposals before me, the benefits associated with the delivery of one dwelling would be modest and would not justify the harm I have identified.
23. The application forms state that the proposed dwelling would be self and custom build development. However, there is nothing before me to suggest that the proposals would meet any unmet need on the Council's self and custom housebuilding register.

Conclusion

24. **Appeal A and B:** The proposals conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it. For the reasons given above the appeals should be dismissed.

H Marriott

INSPECTOR