



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: 7th May 2025

Appeal Ref: APP/Q5300/W/24/3351120

Car Park Rear Of 62 And 64 Fore Street, Edmonton, Enfield N18 2SW

- 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 Karwan Methat against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/00801/FUL.
 - The development proposed is material change of use of a car park to a hand car wash with associated canopy extension and brick extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On submission of the appeal scheme the appellant has provided amended plans¹ in an attempt to address the Council's reasons for refusal. The amended plans provide some clarification on how the site is to be managed. However, the amended plans also show additional development including a proposed wall attached to No 66 Fore Street as well as doorway to create a refuse store that were not shown on the original plans submitted to the Council. Furthermore, the Car Wash Management Plan suggests that signage would be used for entry and exit points, directing traffic, guiding customers, speed limits and special instructions which are also not shown on any of the original plans submitted to the Council. The Car Wash Management Plan also states that cones and barriers would be used to close off the site when at full capacity and traffic attendants would prevent vehicles queuing along Alpha Road with very limited detail on how this would be implemented and managed. The appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the Council, and on which people's views were sought. While the Council have had sight of the amended plans as part of this appeal, they have not had the opportunity to formally comment or consult on the amended plans prior to the appeal being lodged and significant changes to the appeal scheme are proposed. For that reason, I consider that the Council, along with any interested parties, would be prejudiced if I determined the appeal on the basis of the amended plans. Accordingly, I have determined this appeal based on the plans originally submitted with the planning application, on which the Council made its decision.

¹ Car Wash Management Plan Car Park Rear of 62 and 64 Fore Street N18
Existing – Site Plan – Ground Floor Plan REF. NO :FR64/23/01
Proposed – Front Elevation – Side Elevation REF.NO :FR64/23/07
Proposed – Site Plan – Ground Floor Plan REF. NO :FR64/23/05
Proposed – Site Plan – Ground Floor Plan REF. NO :FR64/23/06

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the Fore Street South Conservation Area,
- highway safety,
- the effect of the proposal on the living conditions of neighbouring occupiers with regard to noise and outlook, and
- whether the proposed development would provide adequate surface water drainage to manage the risk of flooding.

Reasons

Character and appearance

4. The Fore Street South Conservation Area (CA) covers an area encompassing a vibrant, varied shopping centre which dominates the historic dimension of the place. Its significance is derived from the historic character established by the surviving early 19th century buildings, giving a strong sense of time depth and evolution and corners marked by landmark buildings, mostly of red brick of c1900, often with gables or turrets. Given the above, I find that the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the generally open space that allows the variation of historic character to be appreciated.
5. The proposed development would have a utilitarian and functional appearance through the metal canopy and acoustic panels. While the appeal site is located away from the main street, it would still be visible, particularly from Alpha Road when approaching the edge of the CA from this direction. The utilitarian appearance would draw views away from the historic character of the CA.
6. I therefore find that the proposal would cause harm to the character and appearance of the CA and would harm its significance.

Highway safety

7. The appeal site is located to the rear of a number of buildings which appear to have access doors and shutters onto the appeal site. Little information has been provided with the appeal to show the relationship that these buildings have with the appeal site and how any access would be maintained, if required.
8. The commercial premises at No 66 Fore Street has a refuse area within the appeal site which has a commercial waste bin and smaller bin. However, no information has been provided to illustrate where this storage area would be located, how access would be maintained and how bins would safely be transported to the highway for collection.
9. Fore Street is a main road that contains a large number of shops and other commercial businesses with limited formal parking facilities. Alpha Road has parking along the side of the road with some paid for and others subject to permit holders on event days due to the residential properties.

10. In light of the parking restrictions and general busy character of the area there are limited facilities outside of the appeal site for customers to wait. As such there is a risk that users could queue to enter the site. The short distance to Fore Street could mean that at very busy times that cars could be waiting on the road to turn onto Alpha Road which could cause highway safety risks, particularly to pedestrians.
11. I note that the appellant considers that the proposed development would account for less vehicle movements than the previous use of the appeal site as a car park with 16 bays. While there is limited information regarding the previous vehicle movements, compared with those proposed, a previous use as a car park would not have resulted in vehicles waiting in the road for potentially long periods of time.
12. I conclude that the proposed development would harm highway safety. I find conflict with Policies CP24 and CP25 of the Enfield Plan Core Strategy 2010-2025 Part of Enfield's Local Development Framework Adopted November 2010 (CS), Policies DMD37, DMD45 and DMD47 of the Development Management Document (DMD) Adopted November 2014 and Policies 6.9 and 6.13 of the London Plan 2021. Amongst other things, these seek to deliver improvements to the road network, improve the quality and safety of the public realm and that adequate, safe and functional provision is made for refuse collection.

Living conditions of neighbouring occupiers

13. The appeal site is located next to No 2 Alpha Road, which is a residential property, and its back garden is located to the side of the appeal site. The rear garden of No 2 is already partially enclosed through an outrigger, canopy and brick wall and as such, there is already a limited outlook from the rear of the property.
14. The appeal proposes an acoustic panel that would be 3m high and would be located close to the property's boundary. The overall height of the panel would result in a further enclosure of the garden of No 2 and result in a poor outlook for the occupiers of this property.
15. The appellant provided a noise impact assessment with the application which suggested that with sound attenuation measures, the noise from the car wash would be 10dB below the background noise levels.
16. The Council dispute the report and suggests that through experience, noise from other car wash facilities throughout the borough are audible despite the use of similar screening. The Council therefore consider that noise would be clearly audible and harmful to those living close to the appeal site. I acknowledge the Council's concerns; however, little technical evidence has been provided to demonstrate that the noise levels outlined by the appellant could not be achieved.
17. Notwithstanding the harm to the outlook of the neighbouring occupiers at No 2 that would be caused by the acoustic fencing, I am mindful that the report and measures proposed could be subject to a suitably worded condition to ensure noise levels are kept to an acceptable level which would allow the Council some control over this.

18. While I have found that the proposed development would not result in an unacceptable level of noise and disturbance, it would harm the living conditions of neighbouring occupiers in regard to outlook. I find conflict with Policies D3 and D4 of the London Plan 2021, Policy CP30 of the CS and Policy DMD37 of the DMD. Amongst other things, these seek to ensure an appropriate outlook.

Surface water drainage

19. The appellant provided a Foul and Surface Water Drainage Strategy with the appeal; however, the Council consider that the requirements of Policy DMD61 of the DMD are not met. In particular, further detailed information is requested and changes to ensure source control SuDS measures are used.
20. I note the Council's concerns; however, I am satisfied that a suitably worded pre-commencement condition could be imposed in order to ensure that further information and detail is submitted to ensure the requirements of Policy DMD61 are met.
21. I therefore conclude that the proposed development would provide adequate surface water drainage that would manage the risk of flooding. I find no conflict with Policies SI 12 and SI 13 of the London Plan 2021, Policy CP28 of the CS and Policies DMD59, DMD60, DMD61 and DMD62 of the DMD. Amongst other things, these seek to ensure that flood risk is minimised, sustainable drainage systems are used and not increase flood risk elsewhere.

Other Matter

22. The appellant considers that issues relating to fly tipping, improper use and anti-social behaviour would be resolved through the appeal scheme. However, there is little evidence that the appeal proposal is the only way to resolve these existing issues. Therefore, these matters attract very limited weight in favour of the appeal scheme.

Planning Balance

23. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset and that this should have a clear and convincing justification.
24. Given the scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
25. The public benefits of the proposed development include the economic benefits of the business through employing members of staff and also attracting spending in the local area through use of the car wash.
26. When considered as a whole, these benefits do not outweigh the great weight I afford to the conservation of the CA.

27. Given the above, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the CA, causing less than substantial harm and no public benefits have been cited that outweigh this harm. This would conflict with the Framework which states that impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The proposal would also conflict with Policies D3, D4, D8 and HC1 of the London Plan 2021, Policies CP30 and CP31 of the CS and Policies DMD37, DMD39 and DMD44 of the DMD. Amongst other things, these seek to ensure that the character and heritage assets of Fore Street South Conservation Area are conserved.

Conclusion

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

D Wilson

INSPECTOR