



Appeal Decision

Site visit made on 25 March 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/Q5300/W/24/3357410

7 Aberdare Road, Enfield EN3 4JB

- 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 Mrs Klosi against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/02989/FUL.
 - The development proposed is described as the “Subdivision of site and erection of an attached dwelling house along with Ground & First Floor front & Rear Extensions to number 7 Aberdare Road - Resubmission of application No 21/04529/FUL”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. The Council altered the description of the development during the consideration of the application to read “Sub-division of site to create end-of-terrace dwellinghouse in connection with part-single, part-two storey side and rear extensions and a single storey front extension to the existing property with new vehicular access and associated hardstanding”. This is a more precise description of the proposal and removes superfluous text from that set out in the application form.
3. As part of the appeal submission, the appellant has put forward an alternative scheme that would set in the first floor element of the two storey side extension from the boundary. However, I am mindful that it is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council.
4. Whilst, in certain circumstances, a proposal can be amended through revised plans during an appeal, in line with the Wheatcroft principles¹, the main, but not the only, criterion on which judgment should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation. Accepting these revisions would deprive those who were entitled to be consulted of the opportunity to make any representations as part of an appeal, which, given the nature of the changes, they may have wished to make. Although no specific case of prejudice has been highlighted, to ensure no-one is

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

disadvantaged through the appeal process I have not therefore taken the revised plans into account.

5. I noted at the site visit that development had already commenced and was well advanced in terms of the two storey side and front extension elements. From what I observed this is based on the amended plan submitted with the appeal. For the reasons set out above I have made my decision on the basis that planning permission is sought for the plans as originally submitted with the planning application.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and the surrounding area, with particular reference to the two storey side extension; and
 - drainage and the management of surface water.

Reasons

Character and appearance

7. The appeal property is a two storey, semi-detached dwelling within a neighbourhood containing houses of similar age and appearance. The front elevations of properties to the eastern side of Aberdare Road, where the appeal property is situated, are flat-fronted and differ from those on its western side, which feature a projecting hipped gable to their frontages. However, the area is characterised by the semi-detached properties that feature generous spacing between the pairs, which is particularly notable with the spacing to the eastern side of Aberdare Road. Whilst there have been some single and two storey extensions to the side of properties that are built close to or up to the side boundary, including the adjoining 5 Aberdare Road, these are not a prevailing characteristic of domestic built form in the immediate area.
8. Due to the scale and massing of the two storey side extension and its proximity to the neighbouring boundary, the proposal would be an imposing and bulky addition to the property. Being excessive in width, it would dominate the area to the side of the existing dwelling and substantially reduce the spaciousness between the appeal property and its neighbour. This would contribute to an unacceptable terracing effect and result in a significant harmful impact on the appearance of the property and the overall pattern of development in the street scene.
9. For these reasons, the development would be materially harmful to the character and appearance of the host property and the surrounding area. It would conflict with Policy D3 of The London Plan, The Spatial Development Strategy for Greater London (2021) (the LP), Policy CP30 of The Enfield Plan Core Strategy 2010-2025 (the CS) and Policies DMD6, DMD7, DMD8 and DMD14 of the Improving Enfield Development Management Document (2014) (the DMD). Amongst other matters, these policies require new development to ensure it is the most appropriate form for the site, it enhances local context by delivering buildings that positively respond to local distinctiveness, it responds to the existing character of a place, it provides high quality design, it is of an appropriate scale, bulk and massing, and does not result in the creation of a 'terracing effect' out of character with the locality. It would

also conflict with the National Planning Policy Framework (the Framework), which requires proposals to add to the overall quality of the area, be visually attractive and be sympathetic to local character.

Drainage and surface water management

10. A proposed site plan with details of surface water drainage measures was submitted with the planning application. Despite the suggestion by the appellant that this had not been considered by the Council, the officer report refers to it and sets out why that is unacceptable.
11. Whilst the evidence provides some measures, and indicates that the site could be landscaped, I have no firm detail to clearly demonstrate that the drainage strategy would provide for the effective management of surface water and that this is appropriate for the proposed use or site context. It has also not been clearly shown that the overall proposal would meet the requirements for managing surface water as close to its source as possible and that the LP drainage hierarchy has been followed. Therefore, I have no substantive evidence before me to demonstrate that the proposal would achieve a suitable form of development to ensure compliance with the identified development plan policies in this respect, or that it would be appropriate to use a planning condition to secure such details as I have limited information to indicate that a suitable form of development could be achieved. Based on the evidence of the Council and the requirements of the relevant development plan policies, I consider that such details should be provided prior to determination in this instance to enable a more informed assessment of this aspect.
12. Accordingly, I conclude that there is insufficient information to demonstrate that the proposal would not have an adverse effect on drainage and the management of surface water. The development therefore conflicts with Policy SI13 of the LP, Policy CP28 of the CS and Policy DMD61 of the DMD. Amongst other matters, these policies require new development to ensure it effectively manages surface water runoff and flood risk, aim to reduce risks from surface water, follow the drainage hierarchy, and maximise the use of Sustainable Drainage Systems. These are consistent with the Framework.

Other Matters

13. I note the appellant's concern over the Council's handling of the application on the basis that amended plans and additional information were not requested. However, this is not a matter which has any bearing on the planning merits of the appeal before me, and I have determined those revised plans should not be accepted for the reasons given above.

Planning Balance

14. The harm and conflicts are such that the proposal should be regarded as being in conflict with the development plan, as a whole. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is simply one such consideration and in this case the presumption in favour of sustainable development set out within paragraph 11 d) ii. of the Framework applies by virtue of Footnote 7 and is not disapplied by 11 d) i.

15. The officer report states that at the time it determined the application, the Council had failed the most recent Housing Delivery Test (HDT). I have not been provided with any evidence of the HDT for that period or the current position. Notwithstanding that, I have determined the appeal based on the evidence before me, and I have assessed the appeal on the basis that paragraph 11 d) of the Framework is applicable.
16. The adverse impacts arise from the harm to the character and appearance of the host property and the surrounding area and the failure to demonstrate that the proposal would not have an adverse effect on drainage and the management of surface water. The policies before me are consistent with the Framework and I have also found conflict with some of the requirements of national policy as set out above.
17. The proposal would make a contribution to housing supply and the Borough's housing stock with a family sized dwelling within walking distance of services, facilities and public transport. The proposal would also make more efficient use of land, although the Framework requires that the desirability of maintaining an area's prevailing character and setting and securing well-designed places are taken into account. However, the scale of development proposed means the contribution of one additional dwelling to housing supply would be limited.
18. Taking everything together, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.

Conclusion

19. The proposal would conflict with the development plan as a whole. Material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

N Armstrong

INSPECTOR