



Appeal Decision

Site visit made on 30 April 2025

by **A Hunter LLB (Hons) PG Dip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th May 2025

Appeal Ref: APP/Q5300/W/25/3360235

71 Camlet Way, Enfield EN4 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs Noh against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/03868/VAR.
 - The application sought planning permission for redevelopment of site by the erection of 2-storey detached dwelling house with 1st floor rear terrace, accommodation in the roof space with dormers, rear pergola and associated works without complying with a condition attached to planning permission Ref 23/03571/FUL, dated 2 May 2024.
 - The condition in dispute is No 2 which states that: "The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice. 01269_PL_20 REVISION A; 01269_PL_21 REVISION A; 01269_PL_22 REVISION A; 01269_PL_23 REVISION A; 01269_PL_13 REVISION A; 01269_PL_07 REVISION C; 01269_PL_08 REVISION C; 01269_PL_03 REVISION B; 01269_PL_05 REVISION B; 01269_PL_06 REVISION B; 01269_PL_10 REVISION D; 01269_PL_04 REVISION D; 01269_PL_09 REVISION D; 01269_PL_11 REVISION D; 01269_PL_12 REVISION D ; 01269_PL_00 REVISION A (SITE LOCATION PLAN) ; 0501 REVISION PO (DRAINAGE DETAILS); 01269_PL_01 REVISION A (EXISTING SITE PLAN); DRAINAGE STRATEGY DATED FEBRUARY 2024; 0500 REVISION P4 (INDICATIVE DRAINAGE STRATEGY); NOISE IMPACT ASSESSMENT DATED 26TH OCTOBER 2023; ACCESS STATEMENT DATED 26TH OCTOBER 2023; ARBORICULTURAL METHOD STATEMENT DATED 01ST MARCH 2024 ; TREE PROTECTION PLAN Arbtech TPP 02 Rev: B DATED OCTOBER 2023; PRELIMINARY ROOST ASSESSMENT; DAYLIGHT AND SUNLIGHT ASSESSMENT DATED OCTOBER 2023; SUPPORTING PLANNING STATEMENT DATED NOVEMBER 2023; ENERGY STATEMENT DATED AUGUST 2023".
 - The reason given for the condition is "for the avoidance of doubt and in the interests of proper planning".
-

Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of site by the erection of 2-storey detached dwelling house with 1st floor rear terrace, accommodation in the roof space with dormers, rear pergola and associated works at 71 Camlet Way, Enfield EN4 0NL in accordance with the terms of the application, Ref 24/03868/VAR, without complying with condition No. 2 as set out in planning permission Re. 23/03571/FUL granted by the Council of the London Borough of Enfield, but otherwise subject to the conditions in the attached schedule.

Preliminary Matters

2. I saw on my site inspection that works had started on the new dwelling, but the front boundary wall had not been constructed. The appeal has been determined on this basis.
3. The Council has referred to the draft Enfield Local Plan 2019-2041 (DELP), said to be at Regulation 19 stage, which the Council say is at an advanced stage. The Council has not identified any conflict between the proposal and the DELP, and I have determined the appeal accordingly.

Main Issue

4. The main issue is the effect of the front boundary wall alterations on the character and appearance of the area.

Reasons

5. The appeal site, like most other properties along Camlet Way, has a wide frontage onto the road, and there is a pavement along this side of Camlet Way. Most properties nearby are detached and occupy spacious plots. The extant planning permission relates to a detached two storey dwelling setback from the front boundary, with 2 no. vehicular accesses to either side of its front boundary. I saw on my site inspection that along the same side of the road, most properties have a brick wall, with railings above, some also have a hedge behind, along with tall brick pillars adjoining their vehicular access points. On the opposite side of the road, there were predominantly tall hedges along the frontage of properties, although there was no pavement on that side.
6. Policy DMD8 of the Development Management Document, adopted November 2014 (DMD) says amongst other things, that front boundary treatment should be an appropriate scale that does not dominate or cause harm to the character and appearance of the property and the street, and that it should not normally exceed 1 metre in height. Moreover, Policy HW-2 of the Hadley Wood Neighbourhood Plan 2022-2039, made November 2023 (HWNP) says front boundary walls should be of an appropriate level to allow views of landscaped gardens behind them and comply with the height set out in DMD Policy DMD8. It adds that front boundary walls above 0.5 metres high should be railings or similar, although it does support lower solid sections.
7. Whilst the Council acknowledge that some nearby front boundary treatments are above 1 metre in height, it says they were approved prior to the HWNP being made. Nevertheless, the effects of proposals must also be assessed on their individual merits and their effect on the character and appearance of the area. Moreover, the appellant has cited examples of other approvals in the same area that have higher front boundary treatments than set out in the above paragraph, which have been granted after the DMD was adopted and the HWNP was made.
8. In this case the proposal would use the same materials and design approach as already approved but increase the height of the boundary wall from some 1 metres high, to 2 metres high. It would include a lower brick part with railings above, both parts would increase from approximately 0.5 metre high to 1 metre high, and the new brick pillars would be 2 metres high. The 2 no. gates would still feature metal railings.

9. In view of the height and appearance of the front boundary treatments nearby, the height and scale of the proposal would relate much better to them than the lower approved scheme. In addition, the design of the scheme, particularly with the gates and railings above 1 metre or so in height, would allow views of the new dwelling and its front garden from Camlet Way, ensuring a legible form of development, whilst also ensuring a safe and secure boundary. The proposed external materials would also be entirely appropriate on this front boundary and relate well to the character and appearance of the area.
10. Its increased height, alongside the many others on that side of Camlet Way, would not be a dominant or overbearing feature, nor would it have an enclosing effect onto the pavement or the road. Furthermore, it would harmonise with the established character and appearance of the boundary treatments along that side of the road.
11. It is also noted that the Council has said the proposal would not have unacceptable effects upon the root protection area of an adjoining oak tree, subject to a condition as previously imposed, and I see no reason to disagree.
12. I therefore conclude that the proposed amendments to the front boundary would relate satisfactorily to the character and appearance of the area and the proposal would comply with the relevant parts of Policy CP30 of The Enfield Plan Core Strategy 2010-2025, and DMD Policy DMD37 insofar as they seek to ensure high quality development that is legible, locally distinctive and makes a positive contribution that distinguishes public and private spaces. Although there would be some conflict with DMD Policies DMD8 and HWNP Policy HW-2 in terms of the height of the new front boundary treatment being above 1 metre, due to the high number of other similar front boundary treatments, and with the proposal allowing views of the new dwelling through the railings and gates, the proposal would ultimately be consistent with the key objectives of both policies of ensuring new development would relate well to the character and appearance of the area.

Conditions

13. By allowing this appeal, a new planning permission is created. The Planning Practice Guidance advises that, for clarity; decision notices for such grants of planning permission should restate the conditions imposed on earlier permissions that continue to have effect, unless they have already been discharged. Consequently, the extant conditions 3,4,7,10,11 and 12 are re-imposed, with the reasons for them being the same as set out on the extant permission. To ensure certainty, I have re-imposed a condition relating to the approved plans to include the amended front boundary wall details. As work has commenced on the development, the standard time condition relating to implementation is not necessary.
14. I have been made aware that conditions 5,6,8 and 9 of the extant planning permission have been discharged. The Council has not requested that these conditions be re-imposed or sought any conditions requiring compliance with the details already agreed, and I have no reasons to disagree.

Conclusion

15. The development accords with the development plan taken as a whole. Therefore, for the reasons given above, and taking all other material considerations into account, the appeal is allowed.

A Hunter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and documents; drawing no's 01269_PL_20 revision A; 01269_PL_21 revision A; 01269_PL_22 revision A; 01269_PL_23 revision A; 01269_PL_13 revision A; 01269_PL01_04 rev. A; 01269_PL_08 revision C; 01269_PL_03 revision B; 01269_PL_05 revision B; 01269_PL_06 revision B; 01269_PL_10 revision D; 01269_PL_04 revision D; 01269_PL_09 revision D; 01269_PL_11 revision D; 01269_PL01_05 A rev. A; 01269_PL01_03 rev. A; 01269_PL_00 revision A (site location plan) ; 0501 revision PO (drainage details); 01269_PL_01 revision A (existing site plan); Drainage Strategy dated February 2024; 0500 revision P4 (indicative Drainage Strategy); Noise Impact Assessment dated 26th October 2023; Access Statement dated 26th October 2023; Arboricultural Method Statement dated 1st March 2024 ; Tree Protection Plan Arbtech TPP 02 rev: B dated October 2023; Preliminary Roost Assessment; Daylight and Sunlight Assessment dated October 2023; supporting Planning Statement dated November 2023; and Energy Statement dated August 2023.
- 2) All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.
- 3) Prior to occupation, a written record shall be submitted to and approved by the Local Planning Authority, to provide evidence that a qualified Arboriculturalist has supervised each operation identified to be supervised by the Project Arboriculturalist within the Arboricultural Method Statement, Arbtech, March 2024. The report shall contain a report from each supervision visit, the findings and agreed actions at each visit, with photographs where appropriate.
- 4) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.

- 5) Following practical completion of works a final Energy Performance Certificate with accompanying Building Regulations compliance report shall be submitted to and approved in writing by the Local Planning Authority. Where applicable, a Display Energy Certificate shall be submitted within 18 months following first occupation.
- 6) Prior to first occupation, details of the internal consumption of potable water shall be submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances, and recycling systems to show consumption equal to or less than 105 litres per person per day. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amending Order, no buildings or extensions to buildings shall be erected without the prior approval in writing of the Local Planning Authority.