



Appeal Decision

Site visit made on 21 May 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/Q5300/W/24/3356890

Land at Newsholme Drive, Enfield, London N21 1SQ

- 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 Robin Heap of Zest Eco Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref is 24/00741/FUL.
 - The development proposed is described as “planning application for the creation of a high-power mini hub for electric vehicle charging, with associated equipment and signage.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development refers to signage, the Council considered this as a separate application for advertisement consent, and not part of the application the subject of this appeal. I have also determined the appeal on this same basis.
3. The Council has referred to the Meadway Conservation Area in its reason for refusal no. 2. I have no information regarding the Meadway Conservation Area, the information before me confirms the appeal site is within the Highlands Conservation (the CA) and I have assessed the appeal on this basis only.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the Highlands Conservation Area (the CA), including the effect on trees;
 - highway safety; and,
 - surface water drainage.

Reasons

Effect on the CA

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires when determining proposals in conservation areas that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. At paragraph 210, the Framework sets out matters which should be considered, including sustaining, and enhancing the significance of heritage assets and the desirability of new development making a positive

contribution to local character and distinctiveness. Paragraph 212 of the Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6. The Highlands Conservation Area Character Appraisal dated February 2015 (HCACA) says the CA was designated in 1986 and related to former hospital buildings, that were subsequently converted into residential use along with other low density residential development. As such, the area has an institutional context, comprising some large well-designed buildings within spacious parkland settings, that include mature trees, and these aspects positively contribute to the significance of the CA. In addition, the Highlands Conservation Area, Management Proposals, dated February 2015, states that the simple, park-like setting for the historic buildings, makes an important contribution to the character of the area, and that it is important that the trees and planting are maintained and if necessary, replaced with appropriate species.
7. The appeal site is on the opposite side of Newsholme Drive to one of the large former hospital buildings, there is also established planting and grassed areas in-between that building and the appeal site. There is a substation to one side of the appeal site, and parking bays to the other side, all behind the pavement on that side of the road. The appeal site is undeveloped land, and it has shrubs and trees within it. Along its rear boundary is a tall row of trees, that extends beyond both sides of the appeal site. Its undeveloped appearance and its landscaped setting positively contribute to the significance of the immediate area.
8. Although some of the trees at the appeal site are small and may have been self-seeded, I saw that one tree is quite tall, and clearly visible within the CA on both approaches to the appeal site. I have no evidence to indicate that these trees would not continue to grow in the long term and form a mature group along with the row of trees that adjoin the rear boundary of the appeal site. The proposal would likely mean all of the trees on the appeal site would be lost, and although additional planting has been mentioned, no precise details of this have been provided.
9. In addition, there has been no tree survey provided to assess the effects of the proposed development on the individual trees on or adjoining the appeal site, including how it would affect the root protection areas of nearby trees given that the proposed new charging hubs would be close to some of these trees. The very basic information submitted by the appellant does not adequately survey the existing trees, assess the effects of the proposed development on them, including their root systems and root protection areas. As a result, there is inadequate information submitted regarding the trees at, and adjoining the appeal site, and it is uncertain how the proposed development would affect the row of trees at the rear side of the appeal site (including their root systems) that contribute positively to the CA.
10. The proposed development would significantly change the undeveloped appearance of the appeal site, introducing proposed pillars and charging hubs to the sides and behind the 4 no. parking bays, which would urbanise and harm the significance of the undeveloped and natural area of land within the CA. The proposed charging units and pillar structures, based on the submitted elevations would be taller than the cars parked in the charging bays. Notwithstanding their set

back from Newsholme Drive, and due to the bend in the road, they would be seen when approaching the appeal site in most directions, including when cars would be parked in the proposed charging bays. As a result, the siting, scale and design of the proposed development would be harmful to this part of the CA.

11. The proposed grass matting surface may allow a natural grassed appearance, but with the proposed 4 no. parking bays being in constant use, it is unlikely to be successful across the entirety of the appeal site, with the subframe of the matting likely to be visible in areas where tyres are regularly driven across it. The appearance of the subframe amongst partly grassed areas would also be out of character with the area, and different to other designated parking bays that are mainly blocked paved nearby on Newsholme Drive, and it would harm the CA.
12. I therefore conclude that the proposed development would be harmful to the character and appearance of the CA, and that it would neither preserve or enhance the character or appearance of the CA, contrary to the duty in the Act. For the same reasons, the proposal would conflict with Policies G7 and HC1 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), Policies DMD44 and DMD80 of Enfield's Development Management Document, adopted November 2014 (DMD), and Policy 31 of The Enfield Plan, Core Strategy 2010-2025, adopted November 2010 (CS), that amongst other things collectively require new development to conserve and enhance the significance of heritage assets, and ensure existing trees of value are retained and proposals comply with good practice and guidance relating to the protection of existing trees.

Highway safety

13. The vehicular entrance into Blake Court (a building containing flats) is located on the same side of Newsholme Drive as the appeal site and is very near to one of its sides. There are also double yellow lines on this side of the road between the appeal site and Highlands Avenue. I also saw that Newsholme Drive was part of a bus route for the W9 service, and there was a bus stop nearby also on the same side of the road as the appeal site.
14. It is noted that the appellant has provided swept path analysis to show how a car can enter and leave each charging bay, and I see no reason to dispute that. In addition, the appellants say that it usually takes around 40 minutes to charge a vehicle, so approximately 1.5 vehicles could be charged per hour at each charging point, and that real time data would be available through satellite navigation and other applications, so the availability of charging points would be known before drivers came to Newsholme Drive to use the charging points.
15. However, the 4 no. parking bays would only provide spaces for vehicles to park when their vehicle is being charged. There would be no designated waiting area for vehicles. Moreover, the double yellow lines on this side of the road on the approach from Highlands Avenue, indicate that it is not a safe place for vehicles to park on the road between the appeal site and Highlands Avenue.
16. It is also not certain that all drivers would use satellite navigation and other applications for this purpose, particularly if a driver is familiar with the area, or lives locally and wants to charge their vehicle at the appeal site. Moreover, if a car is low on charge, or if other nearby charging points are also busy, drivers could choose to wait for an available charging space at the appeal site, particularly if one

or more of the 4 no. charging bays is said to be available in a short period of time. It is therefore considered highly likely that drivers would need to wait in the highway for an available charging bay.

17. The nearby entrance to Blake Court could also mean that vehicles trying to access or egress from its car park are prevented from doing so by vehicles waiting or queuing in the road for charging bays. The bend in Newsholme Drive also means that if there were vehicles waiting in the highway, when drivers approached from either side, it could make it difficult for drivers to see if it is clear to manoeuvre around the waiting vehicle(s), notwithstanding that vehicle speeds may be low, and this could include buses on the W9 service. As such, it is likely that the proposed development would create conditions prejudicial to highway safety, including congestion and adversely affect the free movement of traffic along the highway.
18. The Council has raised objection regarding drivers reversing out of the charging bays onto Newsholme Drive, although I have no evidence that such manoeuvres would be harmful to highway safety, or that there would be inadequate pedestrian and vehicular visibility splays (which could be conditions in the event the appeal were to be allowed). Nevertheless, making such manoeuvres in the event cars are waiting at either or both sides of the charging bays, along with any other passing vehicles, cyclists, and pedestrians, could be hazardous, which also adds to the identified harmful highway safety impacts identified above.
19. I therefore conclude that the proposed development would be harmful to highway safety. In doing so, I find the proposal to conflict with DMD Policies DMD46 and DMD47 insofar as they seek to ensure that new vehicle crossovers and dropped kerbs for off-street parking do not have an adverse effect on road danger or the free flow and safety of traffic, including pedestrians and cyclists on the adjoining highway. In addition, the dismissal of the appeal would also be consistent with paragraph 115 of the Framework that says development should be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
20. The Council referred to the proposed development conflicting with LP Policies T5, T6 and T7, and CS Policies CP24, CP25, CP30. Policy T5 is focused on cycling, Policy T6 is mainly concerned with parking for new development, and Policy T7 relates to the requirements for deliveries, services and construction, including freight and rail hubs. Policy CP24 is a strategic policy relating to possible improvements and aspirations for the road network, and Policy CP25 seeks to address strategic improvements for cyclists and pedestrians. I did not find these policies to be directly applicable to this main issue. In addition, there was insufficient information provided by the Council regarding CS Policy CP30 for me to conclude against that policy on this main issue.

Surface water drainage

21. The appeal site currently does not contain any hard surfaces, and it is understood to be within Flood Zone 1, representing the lowest risk of flooding from some sources. The application form specified that the proposal would drain surface water via a sustainable drainage scheme, understood to include permeable surfaces.
22. DMD Policy DMD61 says a drainage strategy is required for all new development using a drainage hierarchy that promotes the most sustainable forms of drainage

first, with draining into the mains system being the least preferred option. CS Policy CP21 states sustainable drainage measures should be incorporated within new developments, wherever possible. In addition, LP Policy SI 13 says development proposals should achieve greenfield run-off rates, be managed as close to the source as possible and proposals should be based on the drainage hierarchy. It is also noted that none of these policies outlined above expressly require a detailed drainage strategy be provided at application stage.

23. The Council has not disputed the proposed method of draining surface water from the proposed development or said that it would not be possible to have sustainable drainage at the appeal property. As such there is no evidence that a sustainable drainage scheme could not be provided at the appeal site.
24. Against this, and the above policy background, it would be reasonable in the circumstances for a detailed sustainable drainage strategy to be conditioned, including measures such as source control measures and permeable surfaces (which are proposed) in the event the appeal was to be allowed. Such a condition would likely meet the relevant tests set out within paragraph 57 of the Framework.
25. I have also not been made aware of the appeal site being located within an area with any known increased risks of flooding, therefore, and considering the scale of the proposed development, I am not persuaded that a flood risk assessment would be necessary in this case. In the event the appeal was allowed, the aforementioned condition should ensure that there would be no unacceptable flood risks arising as a result of the proposed development.
26. I therefore conclude that subject to a suitably worded planning condition to address surface water drainage, the appeal site can be adequately drained, which would not create unacceptable flood risks and the proposed development would comply with the objectives of LP Policy SI 13, DMD Policy DMD61 and CS Policy CS21, insofar as they seek to ensure new development can be adequately drained using the hierarchy of drainage methods to ensure the most sustainable method is used, and not cause unacceptable flood risks.

Other Matters

27. A local resident has raised their rights contained within Article 8 of the Human Rights Act 1998 (HRA) which requires that decisions ensure respect for private and family life, and the home. The particular concerns relate to loss of privacy, risk of nuisance, and adverse effects on mental well-being. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference may be justified in the public interest. The concept of proportionality is key.
28. I recognise the paramount importance of the rights of the occupiers of neighbouring properties to have their home, private, and family life respected and this is a primary consideration. Any adverse effects experienced from the appeal proposal could interfere with the neighbouring occupier's rights in respect of their home, private, and family life. Any such impacts would weigh against the proposal in these respects.
29. In this case, the proposed charging points would be located near to existing vehicle parking spaces, and they would have a reasonable separation distance from the existing residential properties on Newsholme Drive, including their

outdoor amenity spaces. In addition, the proposed development would also be separated by the tall line of mature trees from the rear gardens of properties on Chaseville Park Road. Furthermore, electric vehicles are not likely to make significant noise when driven, waiting, or being charged. To this extent, the use and operation of the proposed development, would not be likely to be harmful to nearby occupiers, in terms of privacy effects, potential nuisance including noise and disturbance, and there is no substantive evidence submitted to indicate that this proposed development and its separation distances to nearby occupiers would cause unacceptable harm to the mental well-being of nearby occupiers. It is also noteworthy that the Council found similarly in this respect.

30. Having regard to the legitimate and well-established planning policy aims of ensuring sustainable development, through reducing carbon emissions and improving air quality, a refusal of permission for a reason relating to the effects of the proposed development on living conditions of neighbouring occupiers, beyond the harm identified above, would not be proportionate and necessary on the information before me, or consistent with the requirements of the HRA.
31. It is noted that in support of the appeal the appellant has said, that the area has been chosen because most properties nearby don't have driveways and that there is said to be a lower provision of fast charging options in the area; that the proposed development can help facilitate a transition to low carbon transport; that it provides infrastructure for electric vehicle users; and supports sustainable development. It is also recognised that it would encourage electric vehicle use; assist with the roll out of electric charging points consistent with policies within the LP and parts of the Framework; contribute towards improvements in air quality; promote carbon reduction and help tackle climate change and support local, national and international objectives in this regard. These factors weigh in favour of the proposed development.

Planning Balance and Conclusion

32. For the reasons outlined above, I find that the proposed development fails to preserve or enhance the character or appearance of the CA. The proposal would also conflict with policies of the development plan, I give this harm significant weight in the planning balance of this appeal.
33. I find the harm to constitute less than substantial harm owing to its effects being localised. Although, I consider the harm to the CA would be less than substantial, it is nonetheless a level of harm to which significant weight should be attached. Paragraph 215 of the Framework requires public benefits to outweigh such harm.
34. The proposal would provide 4no. fast charging points in an existing urban area that could provide charging for properties nearby that do not have access to their own charging points and for passing vehicles. Although it is unclear whether there are more appropriate sites to achieve this objective, which would not be harmful to the CA. The proposal would also contribute towards improving air quality from promoting electric vehicle use and contributing towards reducing carbon emissions and help tackle climate change, including local, national and international targets and objectives. There would also likely be economic benefits associated with the construction of the proposed development. It is also noted that the proposed development could be sustainably drained, however this is a requirement of the development plan, and a neutral factor. Even taking all of these benefits

collectively, given the scale of the proposed development, at most I can only attach limited weight to them.

35. Against this background, the public benefits do not outweigh the harm identified above to the significance of the designated heritage asset. Accordingly, there is conflict with the heritage protection policies of the Framework.
36. The proposal conflicts with the development plan taken as a whole. There are no other material considerations, including the Framework and those raised by the appellant, that indicate a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

A Hunter

INSPECTOR