



Appeal Decision

Site visit made on 22 May 2025

by **Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/Q5300/D/25/3361726

150 Brimsdon Avenue, Enfield, London EN3 5HY

- 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 Fernando Domingo against the decision of the London Borough of Enfield Council.
 - The application Ref is 24/03468/HOU.
 - The development proposed is the demolition of existing outbuilding and replacement with new larger outbuilding to be used as a granny annexe.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuilding and replacement with new larger outbuilding to be used as a granny annexe at 150 Brimsdon Avenue, Enfield, London EN3 5HY, in accordance with the terms of the application Ref 24/03468/HOU, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 02/6, 03/6, 04/6, 05/6, 06/6, 07/6 and the Flood Risk Assessment by UK Flood Risk Ref: QFRA2531 Version: 1.3 Dated 18/12/204.
 - 3) The windows to the WC of the development hereby permitted shall at all times be glazed with obscured glass and no part of these windows that are less than 1.7 metres above the floor shall be capable of being opened.
 - 4) The granny annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 150 Brimsdon Avenue, Enfield, London EN3 5HY.

Application for Costs

2. An application for costs was made by Mr Fernando Domingo against the London Borough of Enfield Council and this is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the management of flood risk.

Reasons

4. The appeal site is the back of the rear garden of a two storey mid terrace house in an area made up of similar properties. The proposal involves the demolition of an existing detached outbuilding and its replacement with a larger detached outbuilding that would be used as two bedroom annexe.
5. The appeal site is identified as being located within a flood risk area designated as Flood Zone 2 and is located close to the River Lee. An earlier application¹ for the proposed annexe that is the subject of this appeal was previously refused due to the absence of an adequate Flood Risk Assessment (FRA). The application that is the subject of this appeal was submitted with an FRA, which was revised during the application process to respond to points and queries raised by the Council, with a final revised FRA² being submitted in December 2024.
6. This final FRA concluded, based on site specific information and that from the Environment Agency, that the flood risk of the appeal site is low. However, despite these revisions the council concluded that the final FRA was still not adequate. However, from the documents submitted for this appeal, there appears to have been some confusion as to whether the final FRA was used for the basis of the comments on the application on which the reasons for refusal was based.
7. Where the Council consider the revised FRA and associated appendices as not being adequate are listed in the Council officer's planning report and are addressed in detail in the appellant's statement. From my reading of the material submitted with this appeal, it is evident that the flood management and amelioration measures set out in the final FRA overcome the reasons for the earlier refusal, as well as the queries and points raised by the council on the initial FRA submitted with the application. This includes flood risk related to 1 in 100 rear flood extents, the provision of on-site flood storage, flood evacuation planning, flood resilience and sustainable urban drainage provision.
8. I do not think there is much to be gained through my addressing each of the areas where the Council consider the final FRA and associated appendices as not being adequate in any detail. The appellant's statement fully and accurately presents the final FRA in this regard, and I find that it demonstrates that the final FRA accords with the Enfield Flood Risk Assessment (2021) and presents flood management and amelioration measures that effectively deal with the flood risks of the appeal site, the proposal, its potential future occupiers and neighbouring properties.
9. As such, I find that the appellant's final FRA fully addresses and resolves issues and concerns raised by the Council and that it is a perfectly adequate FRA in all regards. The proposal therefore accords with Policy CP28 of the Enfield Core Strategy (2010), Policies DMD59, DMD60, DMD61 and DMD62 of the Enfield Development Management Document (2014), Policies SI 12 and SI 13 of the

¹ Planning Ref: 24/01212/HOU

² FRA by UK Flood Risk Ref: QFRA2531 dated 18/12/2024

London Plan (2021) and Section 14 of the National Planning Policy Framework (2024). These collectively seek to ensure that development be made safe from flood risk for its lifetime, without increasing flood risk elsewhere.

Conditions

10. Along with the standard condition relating to the timing of implementation, I have attached a condition to ensure design quality and that proposal, its occupiers, the appeal site and neighbouring properties be made safe from flood risk ensure which requires compliance with the approved drawings and the final FRA.
11. To avoid the establishment of an additional independent dwelling and concomitant over-intensive use of the site, I have imposed a condition requiring use of the granny annex for purposes ancillary to the residential use of the host dwelling.
12. I have had regard to the Council's suggested condition relating to the use of obscured glazing; however, I have restricted this to the WC for privacy and have not required it for the other side windows as the bottom garden location and the screening provided by garden fencing would not result in any significant overlooking of neighbouring properties.
13. I have also not included a suggested pre-commencement condition related to tree protection during construction, as the scale of the development and distance to the trees make such a condition unnecessary.

Conclusion

14. The appeal is allowed.

Victor Callister

INSPECTOR