

Public Document Pack



PLANNING COMMITTEE

Wednesday, 27th July, 2016 at 7.30 pm
Venue: Conference Room,
The Civic Centre, Silver Street,
Enfield, Middlesex, EN1 3XA

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MEMBERS

Councillors : Dinah Barry, Jason Charalambous, Katherine Chibah, Dogan Delman, Christine Hamilton, Ahmet Hasan, Jansev Jemal, Derek Levy, Anne-Marie Pearce, George Savva MBE, Toby Simon (Chair) and Jim Steven

N.B. Any member of the public interested in attending the meeting should ensure that they arrive promptly at 7:15pm
Please note that if the capacity of the room is reached, entry may not be permitted. Public seating will be available on a first come first served basis.

Involved parties may request to make a deputation to the Committee by contacting the committee administrator before 12:00 noon on 26/07/16

AGENDA – PART 1

- 1. WELCOME AND APOLOGIES FOR ABSENCE**
- 2. DECLARATION OF INTERESTS**

Members of the Planning Committee are invited to identify any disclosable pecuniary, other pecuniary or non pecuniary interests relevant to items on the agenda.

- 3. REPORT OF THE ASSISTANT DIRECTOR, PLANNING, HIGHWAYS AND TRANSPORTATION (REPORT NO. 58) (Pages 1 - 2)**

To receive the covering report of the Assistant Director, Planning, Highways and Transportation.

- 4. 16/01391/RE3 - 84 CLYDESDALE, ENFIELD, EN3 4RN (Pages 3 - 26)**

RECOMMENDATION: Approval subject to conditions
WARD: Ponders End

**5. P13-03636PLA - 36 WALSINGHAM ROAD, ENFIELD, EN2 6EY -
ADDENDUM REPORT (Pages 27 - 80)**

RECOMMENDATION: Approval subject to conditions
WARD: Grange

6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

MUNICIPAL YEAR 2016/2017 - REPORT NO 58

COMMITTEE:
PLANNING COMMITTEE
27.07.2016

AGENDA - PART 1	ITEM 3
SUBJECT -	
MISCELLANEOUS MATTERS	

REPORT OF:
Assistant Director, Planning,
Highways and Transportation

Contact Officer:
Planning Decisions Manager
Sharon Davidson Tel: 020 8379 3841

**3.1 PLANNING APPLICATIONS AND APPLICATIONS TO DISPLAY
ADVERTISEMENTS DEC**

On the Schedules attached to this report I set out my recommendations in respect of planning applications and applications to display advertisements. I also set out in respect of each application a summary of any representations received and any later observations will be reported verbally at your meeting.

Background Papers

- (1) Section 70 of the Town and Country Planning Act 1990 states that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 54A of that Act, as inserted by the Planning and Compensation Act 1991, states that where in making any determination under the Planning Acts, regard is to be had to the development, the determination shall be made in accordance with the plan unless the material considerations indicate otherwise. The development plan for the London Borough of Enfield is the London Plan (March 2015), the Core Strategy (2010) and the Development Management Document (2014) together with other supplementary documents identified in the individual reports.
- (2) Other background papers are those contained within the file, the reference number of which is given in the heading to each application.

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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 27 July 2016

Report of

Assistant Director, Planning,
Highways & Transportation

Contact Officer:

Andy Higham
Andy Bates
Ms Claire Williams

Ward:

Ponders End

Ref: 16/01391/RE3

Category: Full Application

LOCATION: 84 Clydesdale, Enfield, EN3 4RN

PROPOSAL: Conversion of single family dwelling into 1 x 2 bed and 1 x 3 bed self contained dwellings, involving two storey side and part single part 2-storey rear extension with associated car parking.

Applicant Name & Address:

Mr Detlev Munster
Housing Gateway Limited

Agent Name & Address:

Mr Colin Finlayson
Strategic Property Services
Silver Street
Enfield
London
EN1 3XE
United Kingdom

RECOMMENDATION:

That, Planning permission be **GRANTED** subject to conditions.

Note for Members:

Applications of this nature would normally be considered under delegated powers but Councillor Orhan has requested that the proposal be considered by the Planning Committee.

Ref: 16/01391/RE3 LOCATION: 84 Clydesdale, Enfield, EN3 4RN,



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Scale 1:1250

North



1.0 Site and Surroundings

- 1.1 The application site is a rectangular plot that comprises an end of terrace two storey dwelling with an existing single storey side and rear extension. The site is located on the northern side of Clydesdale. The character of the area is suburban, with a regular pattern of terraced residential properties with staggered building lines.
- 1.2 The application site is not located within a Conservation Area and the building is not listed.

2.0 Proposal

- 2.1 The application seeks full planning permission for the conversion of a single family dwelling into 1 x 2 bed and 1 x 3 bed self-contained dwellings, involving two storey side and part single part 2-storey rear extension with associated car parking.
- 2.2 Amendments have been made to the original scheme in response to concerns that include:
 - Part of the single storey rear extension set in from the side boundary by 0.8 metres
 - Two storey rear extension reduced in width by 1.2 metres so that it measures a total width of 3.3 metres
 - Two storey side extension reduced in width by 0.1 metres so that it is set in from the side boundary by 1.1 metres
 - Three bed 4 person unit changed to a 2 bed 3 person unit (House A)
 - Two separate crossovers introduced
 - Pedestrian path reduced in width and hedges and trees introduced within the front curtilage
- 2.3 The two storey side extension would measure 4.7 metres in width and extend along the entire depth of the house and beyond to accommodate a two storey rear extension with a depth of 4 metres from the rear building line of No.84 and a width of 3.3 metres. The roof form would be a continuation of the existing roof.
- 2.4 The single storey rear extension would measure 2.5 metres in depth along the boundary with No.82 Clydesdale and would then reduce in width so that it is set in from the common boundary with No.82 by 0.8 metres to extend to the rear for an additional 1.6 metres. The single storey rear extension would have a maximum depth of 4 metres. It would comprise a flat roof and measure 3.1 metres in height from the ground level.
- 2.5 One parking space is proposed to serve the existing house and two parking spaces proposed to serve the new house. Crossovers are also proposed to serve each dwelling.

3.0 Relevant Planning History

- 3.1 TP/87/0435 - Erection of single storey extension at side and rear of house to provide additional living accommodation. – Approved 25.06.1987

4.0 Consultations

4.1 Statutory and Non-Statutory Consultees

Traffic and Transportation

- 4.1.1 No objection but conditions suggested including details of the crossovers and reinstatement of the footpath.

Thames Water

- 4.1.2 No objection but informative suggested.

4.1.3 SuDS Officer

SuDS Strategy required to be secured through a condition.

4.2 Public response

- 4.2.1 Letters were sent to 13 adjoining and nearby residents and one objection letter and a petition was received with 37 signatories. The concerns are summarised as follows:

- Out of keeping with the character of the area
- Overdevelopment
- Concerns with the number of residents who would be sharing the dwelling for the amount of space that has been provided
- Insufficient parking
- Loss of light
- Noise nuisance
- Strain on existing community facilities

Drawings with the amendments set out in paragraph 2.2 have been received and adjoining and nearby residents were re-consulted on 4 July 2016. Members will be updated on any comments received on the revised scheme at the Planning Committee meeting.

5.0 Relevant Policy

5.1 London Plan (2016)

Policy 2.15 – Town Centres
Policy 3.3 – Increasing housing supply
Policy 3.4 – Optimising housing potential
Policy 3.5 – Quality and design of housing development
Policy 3.8 – Housing choice
Policy 3.10 – Definition of affordable housing
Policy 3.11 – Affordable housing targets
Policy 3.12 – Negotiating affordable housing on individual private residential
and mixed use schemes
Policy 3.13 – Affordable housing thresholds
Policy 4.7 – Retail and Town Centre Development
Policy 4.8 – Supporting a successful and diverse retail sector and related
facilities and services
Policy 5.1 - Climate change mitigation
Policy 5.2 - Minimising carbon dioxide emissions
Policy 5.3 - Sustainable design and construction
Policy 5.7 - Renewable energy
Policy 5.9 – Overheating and cooling
Policy 5.10 – Urban greening
Policy 5.11 – Green roofs and development site environs
Policy 5.12 – Flood risk management
Policy 5.13 - Sustainable drainage
Policy 5.14 - Water quality and wastewater infrastructure
Policy 5.15 - Water use and supplies
Policy 5.16 - Waste self sufficiency
Policy 6.3 – Assessing effects of development on transport capacity
Policy 6.9 – Cycling
Policy 6.10 - Walking
Policy 6.13 - Parking
Policy 7.1 - Building London’s neighbours and communities
Policy 7.2 – An inclusive environment
Policy 7.3 – Designing out crime
Policy 7.4 - Local character
Policy 7.6 – Architecture
Policy 8.2 – Planning obligations
Policy 8.3 – Community infrastructure levy

5.2 Core Strategy (adopted October 2010)

CP2 Housing Supply and Locations for New Homes
CP3 Affordable Housing
CP4 Housing Quality
CP5 Housing Types
CP20 - Sustainable Energy use and Energy Infrastructure
CP21 - Delivering Sustainable Water Supply, Drainage and Sewerage
Infrastructure
CP22 - Delivering Sustainable Waste Management
CP24 - The Road Network
CP25 - Pedestrians and Cyclists
CP30 - Maintaining and Improving the Quality of the Built and Open
Environment
CP32 – Pollution
CP36 - Biodiversity
CP40 – North East Enfield

CP41 – Ponders End
CP46 - Infrastructure Contributions

5.3 Development Management Document (adopted November 2014)

DMD2 - Affordable Housing for Developments of less than 10 units
DMD3 - Providing a Mix of Different Sized Homes
DMD6 - Residential Character
DMD8 - General Standards for New Residential Development
DMD9 - Amenity Space
DMD10 – Distancing
DMD11 – Rear Extensions
DMD14 – Side Extensions
DMD15 – Specialist Housing Needs
DMD37 - Achieving High Quality and Design-Led Development
DMD45 - Parking Standards and Layout
DMD47 – New roads, access and servicing
DMD49 - Sustainable Design and Construction Statements
DMD50 – Environmental assessment methods
DMD51 – Energy efficiency standards
DMD53 – Low and zero carbon technology
DMD55 – Use of roof space/ vertical surfaces
DMD56 – Heating and cooling
DMD57 -Responsible Sourcing Of Materials, Waste Minimisation And Green Procurement
DMD58 - Water Efficiency
DMD59 – Avoiding and Reducing Flood Risk
DMD61 – Managing surface water
DMD64 – Pollution Control and Assessment
DMD66 – Land Contamination and Instability
DMD68 – Noise
DMD79 – Ecological enhancements
DMD81 - Landscaping

5.4 Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance
London Plan Housing SPG
Housing SPG
Affordable Housing SPG
Enfield Market Housing Assessment
Section 106 SPD

6.0 Analysis

Principle

- 6.1 The application has been submitted by Housing Gateway Limited (HGL) a company that was established in 2014 by Enfield Council to help reduce the Borough's housing pressures. The company is responsible for acquiring and managing a property portfolio that can be used for the Council to discharge its statutory duties to provide temporary accommodation. One of the objectives of HGL is to add to the Borough wide housing stock available for rental. HGL is seeking to improve the quality, availability and security of rented accommodation for Enfield residents including those at risk of homelessness. The key aims of HGL are to:
- (i) increase the supply of cost effective private rented accommodation that can be accessed by Enfield Council to reduce budget pressures;
 - (ii) secure local properties for local people;
 - (iii) set exemplary landlord standards with well managed and maintained accommodation.
- 6.2 Policy 3.4 of the London Plan promotes the optimisation of housing output within different types of location. Policy 3.8 of the London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. The proposal would be compatible with these policies, in addition to Policy CP2 of the Core Strategy and Policy DMD3 of The DMD, insofar as it would add to the Borough's housing stock.
- 6.3 In terms of housing need, the Council's Core Strategy seeks to ensure new developments offer a range of housing sizes to meet housing need. The Core Strategy policy is based on evidence from the research undertaken by Ecotec. The findings of Ecotec's research, Enfield Strategic Housing Market Assessment (February 2010), demonstrates a shortage of houses of all sizes, particularly houses with three or more bedrooms across owner occupier, social and private rented sectors. Additional information submitted to support the application highlights that there is a high demand for temporary accommodation and particularly a need for two and three bed accommodation in the borough. The existing house would remain as a 3 bed family house and the proposed house would also be a 3 bed family dwelling which would serve an identified need for 3+bedroom dwellings in the borough.
- 6.4 In terms of specialist housing needs Policy DMD15 of the DMD states that development will only be permitted if the following criteria is met:
- a. *The development would meet an identified borough need for that form of specialist housing having regard to evidence of need in the Council's Market Statement, Health and Adult Social Care Commissioning Strategies, or the needs assessment of a recognised public health care body;*
 - b. *The property is suitable for such a use and would not result in an over intensive use of the site;*
 - c. *That residential amenity is preserved in accordance with the relevant criteria in policy DMD 8 'General Standards for New Residential Development';*
 - d. *It would not result in an excessive number or concentration of similar uses in a locality which would be detrimental to residential character or amenity;*
 - e. *The development is adaptable, well designed, of a high quality, accessible (internally and externally), meets the needs of the specific client groups it serves and their carers but is flexible in case these change. Developments must have regard 'General Standards for new development', other design*

- considerations and local guidance. The Council will work with partners to ensure the facilities provide an adequate form of accommodation; and*
- f. *The development is well located so that it is easily accessible to existing local community facilities, infrastructure and services, such as public transport, health services, retail centres, recreation and leisure opportunities.*
- 6.5 The proposed development in providing temporary accommodation for those with urgent housing needs would meet an identified housing need in the borough and therefore the principle of the development is considered acceptable. However in the determination of applications for provision of new dwellings and assessing the subject scheme against Policy DMD15, the Council has a number of standards that must be met for the development to be considered acceptable. These comprise a minimum floor area of the proposed unit, car parking provision and amenity space provision. Regard must also be given to the relevant policies within the Enfield Local Plan that seek to, in particular, protect the residential amenities of the neighbouring and future occupiers, the character and appearance of areas, and have appropriate regard to highway issues. These issues must be balanced with the requirement for new housing within the Borough, as set out above.

Design and Impact on Street Scene

- 6.6 The London Plan policy 7.6B states that all development proposals should be of the highest architectural quality which complement the local architectural character and be of an appropriate proportion, composition, scale and orientation.
- 6.7 Policy CP30 of the Core Strategy requires new development to be of a high quality design and in keeping with the character of the surrounding area. This is echoed in Policy DMD8 which seeks to ensure that development is high quality, sustainable, has regard for and enhances local character; and also Policy DMD37 which sets out criteria for achieving high quality and design led development.
- 6.8 Policy DMD14 seeks to ensure that extensions to the side of existing residential properties do not assist in creating a continuous façade of properties or a terracing effect out of character with the street scene. A minimum distance of 1 metre is required to be maintained between the flank wall of a two storey side extension and the site boundary of the property. The policy states that a greater distance may be required depending on the size and nature of the residential plots and to prevent adverse impacts on the street scene.
- 6.9 Policy DMD13 states that roof extensions to residential properties will only be permitted if it is in keeping with the character of the property and not dominant when viewed from the surrounding area.
- 6.10 Clydesdale is a residential road that comprises a regular pattern of two storey terraced residential properties. The application dwelling is an end of terrace dwelling and therefore the proposed two storey side extension would not result in a terracing affect within the street scene. The row of terraces to the east of the site are set forward of the front building line of the subject dwelling by approximately 7 metres so that the front building line of No.84 is approximately in line with the rear building lines of the dwellings to the east. With a reduction in width of the two storey side extension so that it is set in from the common

boundary with No.86 by 1.1 metres the proposed two storey side extension would meet and slightly exceed policy requirements and ensure there is sufficient space between the extension and the side boundary of the site.

- 6.11 Policy DMD11 requires that single storey rear extensions to terrace dwellings do not exceed 3 metres in depth from the original rear wall of a dwelling and do not exceed 3 metres in height when comprising a flat roof. In terms of first floor rear extensions, where appropriate, they should secure a common alignment of rear extensions and should not have an adverse visual impact.
- 6.12 In terms of the ground floor rear extension although it would measure a maximum depth of 4 metres given that there is an existing 'L' shaped single storey rear extension of the same depth and in a similar position to what is proposed the proposed extension is considered acceptable. The single storey rear extension would measure 2.5 – 4 metres in depth and would have a height of 3.1 metres. The extension would not appear prominent in relation to the neighbouring properties and would not result in any adverse visual impact.
- 6.13 The first floor rear extension has been reduced in width by 1.2 metres so that it measures a total width of 3.3 metres. The proposed roof of the extension would be an extension to the existing roof and would be set down from the main ridge. It is considered that the way in which the extension has been designed would ensure that the extension does not appear significantly prominent within the street scene or in relation to the neighbouring properties.
- 6.14 The extension has been sympathetically designed to respect the character and appearance of the original dwelling and row of terraces in terms of the fenestration size and positioning, the front building lines and front porches. External materials to be used would match the existing dwelling and the roof form would be an extension to the existing dwelling. The proposed extension has been designed so that it would not appear out of keeping with the character and appearance of the existing dwelling or the area or appear highly dominant to result in any harm to the visual amenity within the street scene.
- 6.15 The new hardstanding within the front curtilage is considered acceptable because it is not excessive in area and areas of lawn and planting strips are proposed. The proposal would not appear out of keeping along Clydesdale which consists of residential properties that have implemented vehicle crossovers and hardstanding within their front curtilages. The treatment of the area to the front of the building is to be conditioned.

Impact on Residential Amenity

- 6.16 Any new development should not impact on the residential amenity of neighbouring residents. Policies 7.6 of the London Plan and CP30 of the Core Strategy seek to ensure that new developments have appropriate regard to their surroundings, and that they improve the environment in terms of residential amenity. Policy DMD8 states that new developments should preserve amenity in terms of daylight, sunlight outlook, privacy, overlooking, noise and disturbance.
- 6.17 Policy DMD11 requires single storey rear extensions not to intrude into a 45 degree splay line when taken from the nearest original ground floor window to the boundary, and first floor rear extensions should not intrude into a 30 degree line when taken from the nearest original first floor window to the boundary.

- 6.18 In terms of the single storey rear extension there would be an intrusion into the 45 degree splay line when taken from the original rear window closest to the boundary from both of the neighbouring properties. However it is important to note that the extension would be similar to the existing extension in terms of its depth and siting and the neighbouring dwellings have implemented a single storey rear extension which would all help reduce any significant impact on the neighbouring properties. The proposed height and the use of a flat roof would also help reduce the dominance of the structure and any impact on the neighbours.
- 6.19 At first floor level there would be no intrusion into a 30 degree line when taken from the neighbouring residential property No.82 but there would be a breach of the 30 degree splay line when taken from No.86. However given the staggered building lines, the reduction in width of the two storey side and rear extension and the approximately 7 metre distance between the two buildings, it is considered that the proposed development would not result in any demonstrable harm to the residential amenity of No.86 to warrant refusal of the application. The application site is also located to the west of No.86 which would further reduce any significant impact on this neighbour. A condition would be attached to any permission preventing the insertion of any additional windows within the development to prevent the opportunity for overlooking to occur.
- 6.20 There would be an intrusion into a 30 degree splay line when taken from the original house however the window closest to the common boundary would serve a bathroom. The next window along the rear elevation of the existing house serves a bedroom where there would be a breach of the 30 degree splay line. Given the two storey rear extension has been reduced in width so that the mid-point of the window would be set in from the flank wall of the two storey rear extension by approximately 5 metres it is considered that this distance would assist with ensuring that the extension does not have a significant impact on the residential amenity of future occupants of House A in terms of being overbearing and loss of light and outlook. The hipped roof would also help reduce any significant impact on House A. On balance Officers consider that taking into account the particular constraints of the case the relationship with neighbours is considered to be acceptable.

Quality of Accommodation

Internal Layout

- 6.21 The provision of good quality housing is a key aspect of the Council's housing policy. One of the Council's strategic objectives set out in the adopted Core Strategy is to provide new homes that are of exemplary space and design standards to meet the aspirations of local people. Policy CP4 states that high quality design and sustainability will be required for all new homes. Policy DMD8 requires developments to provide a well-designed, flexible and functional layout, with adequately sized rooms in accordance with the London Housing Design Guide.
- 6.22 On 27th March 2015 a written ministerial statement (WMS) was published outlining the government's policy position in relation to the Housing Standards Review. The statement indicated that as of the 1 of October 2015 existing

Local Plans, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.

- 6.23 DMD5 and DMD8 of the Development Management Document and Policy 3.5 of the London Plan set minimum internal space standards for residential development. In accordance with the provisions of the WMS, the presence of these Policies within the adopted Local Plan is such that the new Technical Housing Standards – Nationally Described Space Standard would apply to all residential developments within the Borough. It is noted that the London Plan is currently subject to Examination, with Proposed Alterations currently being considered which seek to reflect the Nationally Described Space Standards.
- 6.24 Notwithstanding the fact that the existing Development Plan Policies broadly align with the new technical standards and in acknowledgement of London Plan review process, the LPA has sought Counsel Advice in relation to the status of adopted Local Plan Policy.
- 6.25 The changes announced as part of the WMS are a material planning consideration in the determination of applications. However, the change to national policy is only one of a number of material planning considerations that must be taken into account in the determination of any particular application or appeal.
- 6.26 Accordingly, when determining such applications the Council must have regard to and apply the provisions of the Local Plan including Policies DMD5, DMD8 and 3.5 which requires that all new residential development attain a minimum internal floor area across all schemes and remain a material consideration.
- 6.27 Table 1 sets out the GIA of the proposed new units. To ensure sufficient space would be provided for future occupants of House A the dwelling has been changed from a 3 bed 4 person dwelling to a 2 bed 3 person dwelling. House A will now conform with the minimum space standards. Although there would be a 2sqm shortfall for House B this deficiency would not result in a substandard quality of accommodation to refuse the application.

Unit	Proposed GIA	London Plan/ National Space Standards (sqm)
House A (2-bed 3 person)	74sqm	70sqm
House B (3-bed 4 person)	82sqm	84sqm

Table 1: Proposed Gross Internal Area for the development

Amenity Space

- 6.28 Policy DMD8 states that development will only be permitted if all of the criteria set out in Policy DMD9 is provided which includes providing a high quality amenity space within developments in line with Policy DMD9.
- 6.29 Policy DMD9 (amenity space standards) sets out that a three bedroom dwelling house for 4 people is required to provide a minimum private amenity space of 38 square metres and a two bedroom dwelling house for 4 people is required to provide a minimum private amenity space of 23sqm (there is not a minimum private amenity space for 2 bed 3 person dwellings).
- 6.30 House A would have a rear garden measuring approximately 48sqm and house B would have a rear garden measuring approximately 97sqm. Both of the dwellings would be in accordance with the minimum amenity space requirements. Details of the proposed boundary treatments have not been provided and therefore this would be dealt with by condition.

Inclusive Access

- 6.31 The London Plan policy 7.2 requires all future development to meet the highest standards of accessibility and inclusion. The supporting text at paragraph 4.112 emphasises that a truly inclusive society is one where everyone, regardless of disability, age or gender can participate equally. The London Plan, Policy CP4 and Policy DMD8 confirm that all new housing should be built to Lifetime Homes' standards. This is to enable a cost-effective way of providing homes that are able to be adapted to meet changing needs.
- 6.32 As stated previously in this report the WMS national technical standards are material in the assessment of the subject application. Building Regulations optional standard M4(2) is the equivalent of Lifetime Homes Standard and given the status of the Development Plan and in particular Policies 7.2, DMD5, DMD8 and CP4 the LPA would hold that this optional standard is applicable to all residential development within the Borough.
- 6.33 A Lifetime Home will meet the requirements of a wide range of households, including families with push chairs as well as some wheelchair users. The additional functionality and accessibility it provides is also helpful to everyone in ordinary daily life, for example when carrying large and bulky items.
- 6.34 A condition would be attached to any planning permission to ensure the application complies with the M4(2) standard which is the equivalent of Lifetime Homes Standard.

Transportation, Access and Parking

- 6.35 The London Plan, Core Strategy and DMD encourage and advocate sustainable modes of travel and require that each development should be assessed on its respective merits and requirements, in terms of the level of parking spaces to be provided for example.
- 6.36 Policy DMD45 requires parking to be incorporated into schemes having regard to the parking standards of the London Plan; the scale and nature of the development; the public transport accessibility (PTAL) of the site; existing

parking pressures in the locality; and accessibility to local amenities and the needs of the future occupants of the developments.

- 6.37 The Parking Addendum to The London Plan sets out maximum parking standards for new development dependent upon their use and level of public transport accessibility. The site has a PTAL rating of 2. The London Plan recommends a maximum residential car parking standard of 1 - 1.5 spaces for a 3 bed unit.
- 6.38 House A would have one parking space and House B would have two parking spaces. The proposed number of parking spaces would accord with the London Plan and the Traffic and Transportation have been consulted and raised no objection to the parking provision.
- 6.39 The proposed cycle parking spaces is considered acceptable.
- 6.40 Policy DMD46 states that vehicle crossovers and dropped kerbs that allow for off-street parking and access onto roads will only be permitted where it meets a certain criteria. Traffic and Transportation have been consulted on the new accesses and have not raised any objection and therefore they are considered acceptable.
- 6.41 The proposed parking provision and crossovers would not result in any material adverse effect on traffic flow and road safety, lead to increased pressures on on-street parking or affect the character of the area to warrant refusal of the application.

Landscaping and Biodiversity

- 6.42 The London Plan, adopted Core Strategy and DMD seeks to protect and enhance biodiversity. Policy DMD79 states that developments resulting in a net gain of one or more dwellings should provide on-site ecological enhancements and Policy DMD81 states that development must provide high quality landscaping that enhances the local environment. Conditions would be attached to any grant of planning permission to ensure that the proposal is in accordance with these policies.
- 6.43 Amended drawings have been received that reduces the width of the pedestrian path and planting strips introduced. A condition would be attached to any permission requiring soft and hard landscaping details to be submitted and approved by the LPA to enhance the setting of the dwellings.

Pollution

- 6.44 Policy DMD64 sets out that planning permission will only be permitted if pollution and the risk of pollution is prevented, or minimised and mitigated during all phases of development. Due to the residential nature of the proposal it is not considered that there would be any untoward opportunity for noise issues to occur.

Sustainable Design and Construction

- 6.45 Policy DMD49 states that all new development must achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability. Energy related documents such as a Building Regulations compliance report were submitted with the application however an energy statement in accordance with Policies DMD49 and DMD51 is required to demonstrate how the development has engaged with the energy hierarchy to maximise energy efficiency.
- 6.46 In the interests of addressing climate change and to secure sustainable development in accordance with the strategic objectives of the Council and Policy DMD50 several conditions would be attached to any grant of planning permission.

Section 106 Agreements

- 6.47 Policy CP3 of the Core Strategy, Policy DMD2 of the Development Management Document and the S106 SPD (adopted November 2011) require contributions for Affordable Housing from all schemes of one unit upwards. The S106 SPD also requires contributions towards education on all developments, including those for a single dwelling, which increases pressure on school places. However following the High Court Judge ruling and amendments to the NPPG in May 2016 the Council are no longer seeking affordable housing contributions and education contributions for schemes of less than 10 units. It should also be noted that the two dwellings would be social rented properties, a condition would be attached to any permission to secure this.

CIL

- 6.48 The proposed development would not be CIL liable because the extension would not exceed 100sqm.

7.0 Conclusion

- 7.1 The proposed development would contribute to meeting the need to increase housing stock in the borough, particularly temporary accommodation for people with urgent house needs. The development would not significantly impact on the amenities of nearby residential properties or the subject dwellings, detract from the character and appearance of the surrounding area, result in a substandard quality of accommodation or give rise to conditions prejudicial to the free flow and safety of traffic on the adjoining highways. Subject to the conditions below the proposed development is considered acceptable.
- 7.2 Objectors have made a number of objections to the proposal on various grounds such as the proposal being a form of overdevelopment that would be out of keeping with the character and appearance of the area, insufficient parking and its impact on residential amenity in terms of loss of light. The proposal complies with adopted planning policies and would not result in any demonstrable harm to the character and appearance of the area, residential amenity or highway safety and on this basis approval is recommended.

8.0 Recommendation

That, PLANNING PERMISSION BE GRANTED subject to the following conditions

1. (C51 Time Limit) - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

2. (C61 Approved Plans Revised) - The development hereby permitted shall be carried out in accordance with the approved plans including plans(s) that may have been revised, as set out in the attached schedule which forms part of this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. (C08 Materials to Match) - The external finishing materials shall match those used in the construction of the existing building.

Reason: To ensure a satisfactory appearance.

4. (C25 No Additional Fenestration) - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

5. Notwithstanding the submitted details the development shall not commence until details of the surfacing materials to be used within the development including footpaths, access roads and parking areas and road markings have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied or use commences.

Reason: To ensure that the development does not prejudice highway safety and a satisfactory appearance.

6. The site shall be enclosed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved detail before the development is occupied.

Reason: To ensure satisfactory appearance and safeguard the privacy, amenity and safety of adjoining occupiers and the public and in the interests of highway safety.

7. The development shall not commence until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. Submitted details will demonstrate the energy efficiency of the development and shall provide for no less than a 8% improvement in total CO2 emissions arising from the operation of a development and its services over Part L of Building Regs

2013 utilising gas as the primary heating fuel. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: In the interest of sustainable development and to ensure that the Local Planning Authority may be satisfied that CO2 emission reduction targets are met in accordance with Policy CP20 of the Core Strategy, DMD51 of the Development Management Document, Policies 5.2, 5.3, 5.7 & 5.9 of the London Plan 2011 and the NPPF.

8. Prior to commencement of works a BREEAM Domestic Refurbishment pre-assessment (or relevant equivalent if this is replaced or superseded) establishing the feasibility of achieving a rating of no less than 'Very Good' shall be submitted to and approved in writing by the Local planning Authority. If this target (or an agreed lesser target) is deemed feasible further evidence shall be required to be provided in the following formats and at the following times:
 - a. a design stage assessment, conducted by an accredited BREEAM Assessor and supported by relevant BRE interim certificates for each of the units, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site; and,
 - b. a post construction assessment, conducted by and accredited BREEAM Assessor and supported by relevant BRE accreditation certificates for each of the units, shall be submitted following the practical completion of the development and within 3 months of first occupation.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior approval of the Local Planning Authority.

Reason: In the interests of addressing climate change and to secure sustainable development in accordance with the strategic objectives of the Council, DMD49 & 50 of the Development Management Document and Policies 3.5, 5.2, 5.3, 5.7, 5.9, 5.12, 5.13, 5.15, 5.16, 5.18, 5.20 & 6.9 of the London Plan 2011 as well as the NPPF.

9. The development shall not commence until details of surface drainage works have been submitted and approved in writing by the Local Planning Authority. The details shall be based on an assessment of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and shall be designed to a 1 in 1 and 1 in 100 year storm event allowing for climate change. The drainage system shall be installed/operational prior to the first occupation and a continuing management and maintenance plan put in place to ensure its continued function over the lifetime of the development.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure the sustainable management of water, minimise flood risk and to minimise discharge of surface water outside of the curtilage of the property in accordance with Policy CP28 of the Core Strategy, DMD61 of the Development Management Document, Policies 5.12 & 5.13 of the London Plan and the NPPF.

10. The development shall not commence until details of trees, shrubs and grass to be planted on the site have been submitted to and approved in writing by the Local Planning Authority. The planting scheme shall be carried out in accordance with the approved details in the first planting season after completion or occupation of the development whichever is the sooner. Any planting which dies, becomes severely damaged or diseased within five years of planting shall be replaced with new planting in accordance with the approved details.

Reason: To provide a satisfactory appearance and ensure that the development does not prejudice highway safety.

11. Development shall not commence until details of the internal consumption of potable water have been 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 as specified in the pre-assessment submitted with the scheme.

The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To promote water conservation and efficiency measures in all new developments and where possible in the retrofitting of existing stock in accordance with Policy CP21 of the Core Strategy, Policy 5.15 of the London Plan.

12. The development shall not commence until details of biodiversity enhancements is submitted to and approved in writing by the Local Planning Authority. This shall include 5 bird and 5 bat tiles/bricks/ tubes.

Prior to first occupation, confirmation of bird/bat bricks/tubes/tiles shall be submitted and approved in writing by the Local Planning Authority. Details shall comprise a short letter report, to include a plan showing the location of the bricks and tiles and their specifications along with photographic evidence of their installation. The development shall be carried out strictly in accordance with the details so approved and maintained as such thereafter.

Reason: To ensure that the biodiversity of the site is enhanced post development in order to comply with CP36 of the Core Strategy and to ensure that the council fulfil their obligations under the 2006 NERC Act.

13. The development shall not commence until details of facilities and methodology for cleaning the wheels of construction vehicles leaving the site have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and methodology shall be provided prior to the commencement of site works and shall be used and maintained during the construction period.

Reason: To prevent the transfer of site material onto the public highway in the interests of safety and amenity.

14. The development shall not commence until details of the crossovers and any other highway alterations associated with the development have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details before development is occupied or the use commences at the developers expense.

Reason: To ensure that the development complies with the Local Plan Policies and does not prejudice conditions of safety or traffic flow on adjoining highways.

15. No less than 100% of the units hereby approved shall be built in accordance with Requirement M4(2) of Building Regulations and shall be maintained as such thereafter. Prior to occupation evidence of compliance with Requirement M4(2) across the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: This optional national technical standard will ensure that the development allows for the future adaptability of the home to meet with the needs of future residents over their lifetime in accordance with Policy CP4 of the Core Strategy, DMD8 of the Development Management Document and Policy 3.5 of the London Plan.

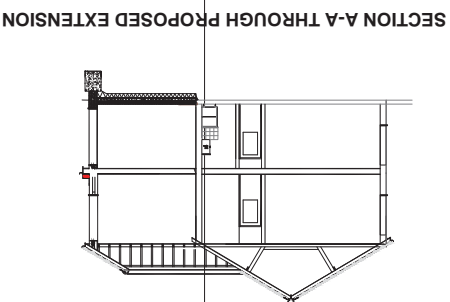
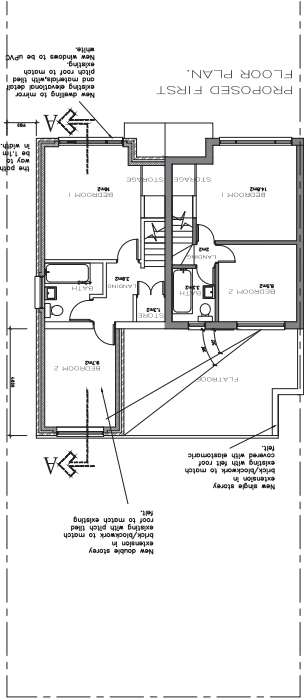
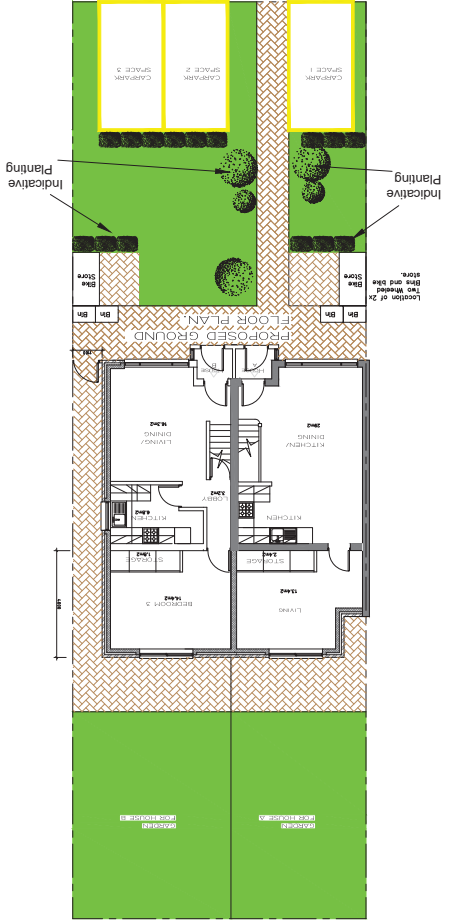
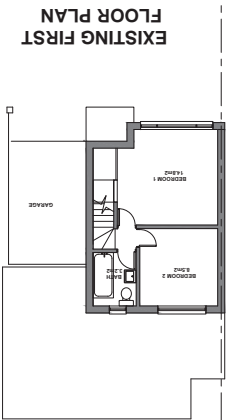
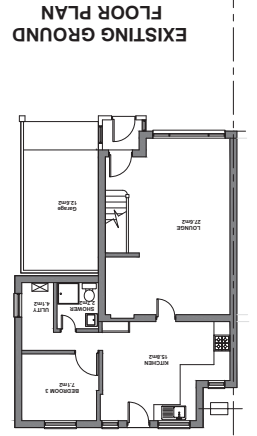
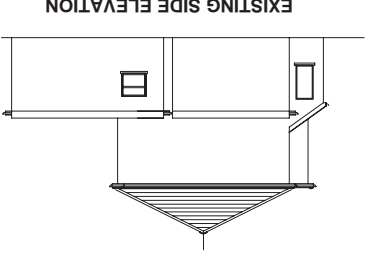
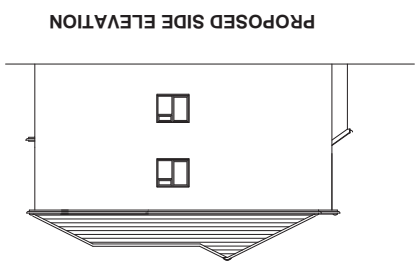
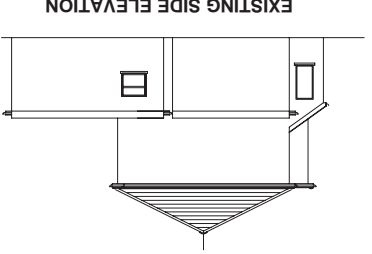
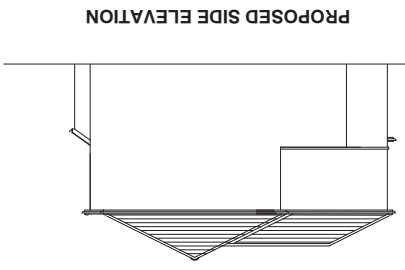
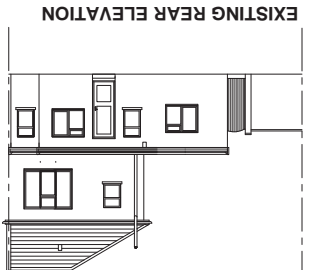
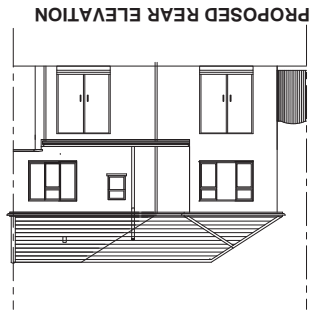
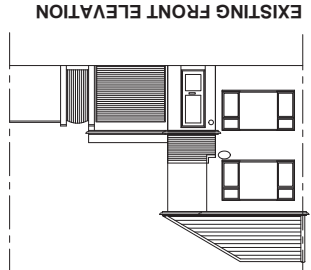
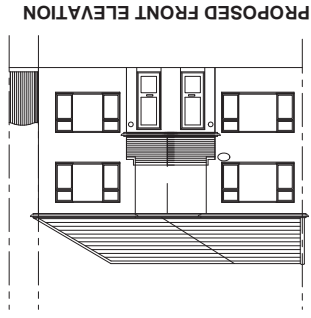
16. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any amending Order, the buildings hereby approved shall only be used as social rented temporary accommodation within Use Class C3 and shall not be used for any other purpose within Use Class C3 or for any other purpose.

Reason: To ensure the provision of a valuable community service within the borough.

Informatives

1. Thames Water advises the following:
 - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
 - There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover


- Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. The construction of the vehicular accesses involves work to the public highway and can only be built by the Council's Highway Services team, who should be contacted on the footway crossing helpdesk (020 8379 2211) as soon as possible so that the required works can be programmed.



<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>ISSUED FOR PERMIT</td> <td>22/06/16</td> </tr> <tr> <td>2</td> <td>REVISED</td> <td>22/06/16</td> </tr> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR PERMIT	22/06/16	2	REVISED	22/06/16	<p>PROJECT INFO</p> <p>DATE: 22/06/16 DRAWN BY: P. WILSON CHECKED BY: C. COOPER SCALE: 1:100 @ A1 HOUSE NO: H/004780-2/01</p>
NO.	DESCRIPTION	DATE								
1	ISSUED FOR PERMIT	22/06/16								
2	REVISED	22/06/16								
<p>CLIENT</p> <p>Housing Gateway Limited</p>	<p>JOB TITLE</p> <p>84 Clydesdale Enfield EN3 4RN</p>									
<p>STATUS</p> <p>Planning Submission.</p>	<p>DRAWING TITLE</p> <p>Existing & Proposed Plans One x 2 Bedroom Dwelling One x 3 Bedroom Dwelling</p>									
<p>REV</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td>1</td> <td>22/06/16</td> <td>ISSUED FOR PERMIT</td> </tr> <tr> <td>2</td> <td>22/06/16</td> <td>REVISED</td> </tr> </table>	NO.	DATE	DESCRIPTION	1	22/06/16	ISSUED FOR PERMIT	2	22/06/16	REVISED	<p>HOUSING GATEWAY LIMITED</p>
NO.	DATE	DESCRIPTION								
1	22/06/16	ISSUED FOR PERMIT								
2	22/06/16	REVISED								

Gross internal area
 House A : 73.78m²
 House B : 81.91m²



CAD File No.		Rev		Notes		Date	
B		8		Change side passageway size to 1100mm.		July 2016	
<small>FOR INFORMATION: ALL RIGHTS RESERVED. UNLESS OTHERWISE SPECIFIED, ALL RIGHTS ARE RESERVED. THIS DRAWING IS THE PROPERTY OF HOUSING GATEWAY LIMITED AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.</small>							
STATUS		Planning Submission		CLIENT		Housing Gateway Limited	
JOB TITLE		84 Clydesdale Enfield EN3 4RN.		DRAWING TITLE		Proposed Site Plan	
				<small>Chak Chauhan Senior Street Enfield EN1 3XD Tel: 020 8379 1000 Company registration no: 8838827</small>		<small>ARCHITECT'S O. DRAWN PARINDER</small>	
				<small>DATE 22/06/2016</small>		<small>CHECKED CCF</small>	
<small>SCALE 1: 500 @ A3</small>		<small>RIBA WORKSTAGE -</small>		<small>REVISION NO. H/004780-2/03</small>		<small>B</small>	

84 Clydesdale Road, Enfield, EN3 4RN



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Scale:- 1:1250
Paper Size:- A4
Date:- 11th April 2016
Map Produced By Asset Information Team/SB



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LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 27th July 2016

ADDENDUM REPORT of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Andy Higham
Andy Bates
Mr S Newton

Ward: Grange

Application Number : P13-03636PLA

Category: Householder
Developments

LOCATION: 36 WALSINGHAM ROAD, ENFIELD, EN2 6EY

PROPOSAL: Subdivision of site and erection of 1 x 2 storey 4 -bed dwelling incorporating access to Walsingham Road.

Applicant Name & Address:

Mr Kevin Fitzgerald
36, WALSINGHAM ROAD,
ENFIELD,
EN2 6EY

Agent Name & Address:

Andy Meader
Pegasus Group
Abbey House
Grenville Place
Bracknell
Berkshire
RG12 1BP

RECOMMENDATION:

That planning permission be **GRANTED** subject to conditions.

1. Addendum Report 2

- 1.1. The application is reported back to committee following its consideration by Members at the April 2016 committee meeting. At that meeting, and following due consideration of all of the matters as set out within the Officer Report (and Addendum), Members resolved to grant planning permission but delegated authority to Officers to secure an appropriate level of contributions towards off-site affordable housing provision in the borough and education facilities. This Addendum Report is provided to explain why the Local Planning Authority is no longer pursuing these contributions. It should be noted that there have been no further changes to the scheme considered by Members.
- 1.2. On 28 November 2014 a Written Ministerial Statement (“WMS”) was published, announcing changes to s106 planning obligations for small scale development. Paragraphs 12 to 23 of the National Planning Policy Guidance (NPPG) were amended to state that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build developments containing 10 units or less with a gross area of no more than 1000sqm.
- 1.3. The position was subsequently challenged and a case brought to the High Court by West Berkshire District Council and Reading Borough Council challenging the alterations to national policy in respect of planning obligations for affordable housing and social infrastructure contributions and the decision on 10 February to maintain those Policy changes following the completion of an Equalities Impact Assessment (EqIA).
- 1.4. On 31 July 2015 Holgate J upheld the challenge and ruled that the changes to national policy were unlawful and contrary to the provisions of the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004. In addition, it was ruled that the statement failed to comply with the public sector equality duty under the Equality Act 2010 and consequently failed to give due regard to all material considerations. On this basis, Mr Justice Holgate quashed the policy and subsequent changes to the NPPG.
- 1.5. Subsequently, the Secretary of State (“SoS”) for Communities and Local Government (“DCLG”) appealed the Decision of Holgate J. In doing so, there were four issues before the Court:
 - 1) Whether the WMS (stating that affordable housing contributions should not be sought from developments of 10 houses or less) was consistent with the statutory planning regime;
 - 2) Whether the SoS had failed to take into account necessary material considerations;
 - 3) Whether the SoS’s consultation process had been legally adequate; and
 - 4) Whether the SoS had properly assessed the impact of the proposal on persons with protected characteristics (s149 Equality Act 2010)
- 1.6. On 11 May 2016, LJs Treacy and Laws sitting at the Court of Appeal upheld the Appeal (SSCLG v West Berkshire DC and Reading BC [2016] EWCA Civ 44) on all four grounds.
- 1.7. With regard to the successful challenge (and for the purposes of the current planning application), ground 1 was considered to be the substantive ground. LJs Treacy and Laws held that the WMS did not countermand or frustrate the effective operation of s38(6) or s70(2). The Court emphasised that the discretion in decision-making

remained unfettered and that s38(6)ⁱ and s70(2)ⁱⁱ were to be applied by decision-makers in the usual way, that is, the new national policy was a material consideration which should be considered. The weight to be given to a material consideration is for the decision maker (i.e. the LPA or the SoS) in the exercise of its planning judgment.

- 1.8. The LPA sought Counsel advice in respect of these changes in relation to the status of adopted Policy in particular, Policy DMD 2 which seeks to secure affordable housing contributions in respect of development involving less than 10 residential units.
- 1.9. While Policy DMD2 is part of the development plan and the WMS is a material planning consideration, the latter is a high profile policy which has been made at a national level and which has received the imprimatur of the Court of Appeal. It is also consistent with the government's high level desire to build more homes. By contrast policy DMD2 which deals with affordable housing contributions from sites of less than 10 units was adopted in November 2014, slightly before the WMS on affordable housing contributions for small sites was made on 28 November 2014. Consequently whilst the local planning authority is entitled to give weight to the policy, it is considered that without up to date and compelling evidence to demonstrate the adverse impact on the delivery of local affordable housing, the local planning authority needs to give more weight to the objectives of the WMS by removing the disproportionate burden of these tariff based contributions.
- 1.10. This view is further supported by a recent Appeal decision at 270 West Green Road N15 (App/Y5420/W/14/3000178) whereby LB Haringey relied upon a policy similar to DMD2. The Inspector rejected the Council's evidence by stating that "*This information [the evidence provided by the LPA] shows clearly the disproportionate procedural burden which the Council's policy SP2(7) placed upon small-scale builders and developers and which the government's policy seeks to avoid*" (para.27).

Following the successful Court of Appeal challenge by DCLG and in light of the above, the local planning authority is not pursuing affordable housing contributions on smaller sites, as per policy DMD 2.

- 1.11. As advised above, the merits of the application have previously been considered by Members. Having regard to this and the advice above, it is recommended that planning permission is granted without any contributions towards affordable housing and education, subject to the conditions as agreed at the April 2016 committee meeting.ⁱⁱⁱ

ⁱ Section 70(2) of the 1990 Act to have regard, inter alia, to the provisions of the development plan, so far as material to the application, and to any other material planning considerations

ⁱⁱ Section 38(6) of the Planning and Compulsory Purchase Act 2004, to decide the matter in accordance with the development plan unless material considerations indicated otherwise

ⁱⁱⁱ For the avoidance of doubt, this also includes the insertion of "details of tiles" into condition 6 as agreed at the committee meeting.

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 26 April 2016

ADDENDUM REPORT of

Assistant Director, Planning, Highways & Transportation

Contact Officer:

Andy Higham
Andy Bates
Mr S Newton

Ward: Grange

Ref: P13-03636PLA

Category: Householder Developments

LOCATION: 36 WALSINGHAM ROAD, ENFIELD, EN2 6EY

PROPOSAL: Subdivision of site and erection of 1 x 2 storey 4 -bed dwelling incorporating access to Walsingham Road.

Applicant Name & Address:

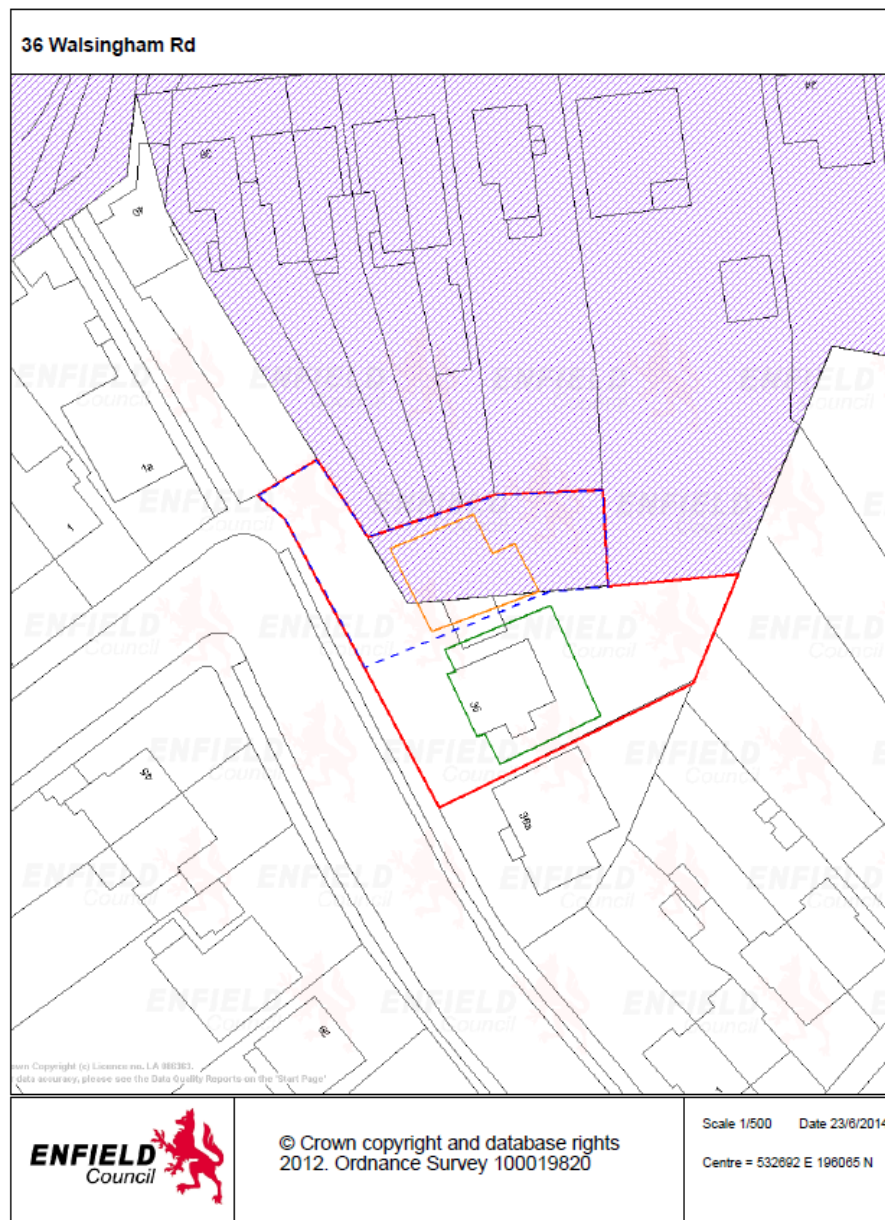
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Agent Name & Address:

Andy Meader
Pegasus Group
Abbey House
Grenville Place
Bracknell
Berkshire
RG12 1BP

1. Addendum Report

- 1.1. The application is reported back to committee following its withdrawal from the March committee meeting due to the late receipt of a letter from Farrer & Co, acting on behalf of a group of objectors, the Essex Road Residents Association. Members are advised that this Addendum Report is provided in response to some of the points raised in the Farrer & Co letter circulated on 22 February 2016. Members are also advised that a separate letter has been issued to Farrer & Co by the Council's legal department.
- 1.2. The significance of the previous High Court proceedings (that is the judicial review "JR"), as set out in para.6.11.1 to 6.11.4 of the Officer Report has meant that the Council must consider the application afresh. As set out at para.6.11.2 of the Report, the Council conceded Ground 1, therefore, as properly set out in the Report, the Court did not have to consider the remaining six Grounds, and the quashing order was made. An award of costs has no bearing on the [re]determination of the planning application.



- 1.3. Part of the application site is within the conservation area, this is not incorrect but a simple fact. In Image 1 provided above, the red line denotes the application site area and includes the existing house and the side garden upon which the proposed dwelling would be constructed. The blue dashed-line is the approximate proposed curtilage for the new dwelling. The green line is the approximate footprint of the existing dwelling (following implementation of the approved extensions). The orange outline is the approximate footprint of the proposed dwelling. The “red line” area amounts to a total site area of approximately 993.5sqm. Of this, approximately 252.4sqm falls within the conservation area (25.4%). Para 6.2.21 of the Report acknowledges that 57% of the proposed curtilage for the new dwelling will be inside the conservation area. With regard to the footprint of the proposed dwelling, approximately 80% of it will be inside the conservation area.
- 1.4. The 2011 Officer Report (TP/10/1386) for extensions to No.36 Walsingham, quoted from what was at the time, the recently refused 2010 scheme (TP/10/0818) for a new dwelling on the side garden. With regard to the 2010 refused scheme, the Officer had quoted directly from the Conservation Area Character Appraisal (“Character Appraisal”) but also appeared to not have regard to what has been identified as the “special interest” or the “problems and pressures” identified for the conservation sub-area (these are set out at paras 6.2.21 & 6.2.22 of the Report) or to the identified “key views” (provided in image following para.6.2.27 of the Report). The assessment of the importance of the garden was re-appraised for the current Report, having regard to the Character Appraisal, the Drury McPherson Report (“DMR”), the applicant’s Heritage Statement and the comments from the Conservation Officer, with justification for the change of opinion provided at paras.6.2.26 to 6.2.29. There is a general consensus between the DMR, the submitted Heritage Statement and the Conservation Officer that the side garden does not contribute to the significance of the conservation area. It is the opinion of Officers that the correct approach has now been adopted and that the independent advice is not flawed. Members are obviously able to draw on the expert professional advice, provided by both the Officers and the independent assessments of both the Applicants Heritage Assessment (specifically referred to at para.6.2.26, 6.2.28, 6.2.30 of the Report) and the DMR.
- 1.5. The Council’s approach to heritage considerations was the subject of the JR, not the DMR. The DMR was not discredited as a result of the quashing order. The opinions provided in the DMR were the opinion of an independent heritage consultant. Moreover, the views of the Conservation Officer have not been “tainted”. The Conservation Officer is supportive of the development but was objecting to materials proposed (e.g. uPVC windows in particular). Paragraph 203 of the NPPF advises that “*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions*”. As set out in the Report, Officers are of the opinion that improvements to the materials proposed could reasonably be secured via conditions. With the agreement of the applicant, wooden fenestration is sought by condition (Condition 3). To seek greater clarity over the quality of the bricks and bonding proposed, Condition 6 has been proposed.
- 1.6. Advice to Members is not muddled¹. The development will continue to preserve the identified special interest of the conservation area and at the same time, its setting is enhanced through the blocking of views towards Tower Point from some vantage points. It is further incorrect to imply that Officers have solely relied upon the DMR -

¹ There is, in any event, a difference in wording between the Listed Buildings Act and the NPPF (down to local policy) where the Act states: “*preserving or enhancing the character or appearance of that area*” (s.72); the NPPF and local policies refer to “*conserve **and** enhance*” (emphasis added)

Officers have had regard to full range of considerations including the DMR, the submitted Heritage Statement, the views of the Conservation Advisory Group (“CAG”), the Conservation Officer, the Enfield Town Conservation Area Study Group, and to all relevant policy, national guidance and legislation.

- 1.7. It is contended that the scheme referred to at Trent Lodge (ref: 15/05617/FUL) only involved a simple change of elevational details. This was but one element to the proposal for the conversion of the garages at the rear to provide staff accommodation and additional ancillary accommodation in the main property. Four reasons for refusal were provided. In addition to the first reason quoted by Farrer & Co, the remaining reasons related to:
 - The unacceptable fragmentation of the surviving historic settlement pattern of this part of the conservation area;
 - An unacceptable impact on neighbour amenity due to increased comings and goings to the rear of the site, beyond the established pattern of development; and
 - A failure to make any contributions towards necessary infrastructure.
- 1.8. One of the basic principles of planning is that each application should be assessed on its own merits and Officers would comment as follows:
 - The scheme at 36 Walsingham Rd is considered to satisfy all of the relevant policy, unlike that for Trent Lodge.
 - With regard Walsingham Road, the part of the site within the conservation area, historically belonged to No.28 Essex Road. The curtilage of 28 Essex Road was fragmented through the sale of No.28 Essex Road without the piece of garden and subsequent erection of boundary fencing. The development proposal does not further fragment the site. Moreover, the development proposal has been assessed having regard to the significance of the conservation area (and sub-area).
 - As set out in the Report, the development at Walsingham Road is considered to not unduly harm the existing amenities of the occupiers of the adjoining properties.
 - The scheme at Walsingham Road is making an appropriate level of contribution.
- 1.9. The Report at 6.2.35 does not state that the development will completely block views of Tower Point, only from certain vantage points. Para.6.2.27 confirms that from certain other vantage points, views into the CA will remain unchanged.
- 1.10. Officers would contend that the Report is not flawed but has addressed all of the relevant matters that were raised by the JR. Although it is acknowledged that mediation had been suggested previously, it is considered that mediation is not appropriate in this instance because the scheme before Members is what the local authority has been asked to determine, whilst objectors do not wish to see a two storey dwelling at the end of their gardens.

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 26 April 2016

Report of
Assistant Director - Planning,
Highways & Transportation

Contact Officer:
Andy Higham
Andy Bates
Mr S. Newton

Ward: Grange

Application Number : P13-03636PLA

Category: Householder
Developments

LOCATION: 36, WALSINGHAM ROAD, ENFIELD, EN2 6EY

PROPOSAL: Subdivision of site and erection of 1 x 2 storey 4 -bed dwelling incorporating access to Walsingham Road.

Applicant Name & Address:

Kevin Fitzgerald
36, WALSINGHAM ROAD,
ENFIELD,
EN2 6EY

Agent Name & Address:

Andy Meader
Pegasus Group
Abbey House
Grenville Place
Bracknell
Berkshire
RG12 1BP

RECOMMENDATION:

That subject to the completion of a S106 Agreement to secure the obligations as set out in the report, the Head of Development Management / the Planning Decisions Manager be authorised to **GRANT** planning permission subject to conditions.

NOTE TO MEMBERS:

The Report has been amended at paragraph 6.2.33 to demonstrate how matters of archaeology are being addressed by condition and at Section 6.9 to reflect the introduction of the Enfield CIL on 1 April.

Ref: P13-03636PLA LOCATION: 36, Walsingham Road, Enfield, EN2 6EY, , ,



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Scale 1:1250

North



1. Site and Surroundings

- 1.1. The application site comprises of a piece of garden land to the side of No.36 Walsingham Road, on the juncture of Walsingham and Uvedale Roads. The site comprises an irregular shaped plot, close to a sharp bend at the junction of Uvedale Road, together with a narrow strip of land extending to the north west (the embankment), adjacent to a public footpath linking properties on Uvedale Road/Walsingham Road to Town Park.
- 1.2. The properties along the northern boundary of the site fronting Essex Road (Nos.26-40 (even)) are within the Enfield Town Conservation Area and all of the aforementioned properties (except for Nos.30 & 40) are covered by an Article 4(2) Direction removing permitted development rights for certain types of development.
- 1.3. The currently separated garden, falls within the Enfield Town Conservation Area and Article 4 Direction area whilst the embankment is excluded. The garden is included in the conservation area as it historically formed part of the rear garden of 28 Essex Road.

2. Proposal

- 2.1. Permission is sought for the subdivision of the site and erection of a detached 4-bed single family dwelling incorporating access to Walsingham Road.
- 2.2. The proposed dwelling would have a maximum width of 10.3m, a maximum depth of 12.9m, it will be 4.9m to eaves level, and approximately 7.4m to the ridge of a pitched roof. The front roof plane will contain a projecting gable feature and two dormer windows and the rear roof plane will contain three dormer windows.
- 2.3. The ground floor will accommodate a lounge, dining room, kitchen, wc, utility room and an integral single-vehicle garage. The first floor will contain four bedrooms, a bathroom and ensuite.

3. Relevant Planning Decisions

- 3.1. An application (ref: TP/87/0161) for the erection of detached 4-bedroom house with integral garage on land forming part of side garden of house was granted planning permission in July 1987. This dwelling is known as 36A Walsingham Road and is sited to the south-east of No.36.
- 3.2. An application for the demolition of garage and erection of a 2-storey side extension with basement garage (ref: TP/05/1527) was refused planning permission because of concerns of the roof design. A revised scheme (ref: TP/05/2172) was subsequently approved.
- 3.3. An application for the subdivision of site and erection of a detached 4-bed single family dwelling to side incorporating detached garage at front and vehicular access to Walsingham Road (ref: TP/10/0818) was refused in November 2010 for the following reasons:
 1. *The development would result in the loss of an important garden element intrinsic to the character of the Conservation Area and would neither preserve or enhance the setting of the Conservation Area but rather detract from the character of the Enfield Town Conservation Area.*

2. *The proposed development due to the position and design of the access arrangements would result in vehicles movements crossing the footway which as a result of poor sight lines would give rise to conditions prejudicial to the free flow and safety of pedestrians and vehicles using the adjoining highways.*

3.4. Planning permission (ref: P12-02849PLA) was granted for the demolition of existing 2 storey extension and garage, erection of 2 storey side/front extension to both sides and single storey rear extension with construction of hard standing to form carriage drive with vehicular access in July 2013. This scheme is currently being implemented.

4. Consultations

4.1. Statutory and non-statutory consultees

Conservation Officer

4.1.1. The Conservation Officer has confirmed that following a review of the submitted Heritage Statement and the Drury McPherson report, the following comments are provided:

- No objections to the proposed development in principle, however objections are raised in relation to the proposed materials;
- Fully concur with the findings published by Drury McPherson Partnership in their report dated 27 May 2014;
- The report goes as far as suggesting that the above site should be omitted from the boundaries of the conservation area;
- It is my opinion that the proposals will conserve and enhance the conservation area, by virtue of the fact that they will obscure the view through the CA from Walsingham Road to Tower Point;
- I would argue that the significance of the designated heritage asset and its setting will remain unaffected by the proposals. Setting is defined as 'the surroundings in which a place experienced'. Special regard must be had by the decision-maker to the assessment of the impact of any development on the desirability of preserving the setting of a non-designated heritage asset. The predominant guidance on development within the setting of heritage assets is contained within the English Heritage document *The Setting of Heritage Assets* (2015);
- I would assert that the proposed building should make use of high quality materials. uPVC/ synthetic substitutes for natural materials (reconstituted stone/ composite roof tiles etc.) are not accepted in sites in the setting of conservation areas. In addition, if minded to approve, I would strongly recommend that further details of the proposed windows/doors/eaves/chimney/ brickwork (including bond, mortar, brick type) be submitted to the local authority for approval in writing prior to the commencement of works;
- I would also not support the use of obscure glazing to the flank elevation. I would recommend that this should be substituted with sandblasted glass.

Traffic and Transportation

4.1.2. No objections are raised for the following reason:

On balance the low traffic speeds and self-enforcing nature of the residential street environment in terms of highway safety, and the good visibility which can be

improved through the addition of a condition requiring landscaping alterations, means the scheme does not have an unacceptable highway safety impact with regards vehicles using the access solely for the new house

Tree Officer

4.1.3. No objections are raised.

English Heritage (GLAAS)

4.1.4. It has been advised that the site lies within the Ermine Street Archaeological Priority Area connected with the Roman settlement close to Leighton Road. There is a possibility that groundworks could affect important remains connected with the Roman settlement and a condition is recommended to enable reasonable access by the Enfield Archaeological Society and record features of interest.

Conservation Advisory Group

4.1.5. No objections have been raised because it was the opinion of the group that there would be no harm to the character and appearance of the conservation area as a result of the proposals.

Ecology

4.1.6. The status of the submitted Phase 1 Habitat Survey and its conclusions was re-evaluated, with the following comments provided, inter alia:

“since it has been established that the site does not host protected species nor does it host priority habitats, the proposed development would be in accordance with planning policy in relation to ecology and biodiversity. As such, subject to a condition to protect nesting birds and a condition to enhance the ecological value of the site post development, there is no reason on ecology grounds for not permitting the development”

4.2. Public Response

4.2.1. Letters were sent to the occupiers of 74 adjoining and nearby properties in addition to the posting of site and press publicity. Seventy letters of objection (inclusive of pro forma letters, and letters from the Friends of Town Park and the Essex Road Residents Association), together with twelve letters of support have been received. It should be noted that the total number of responses received (82) includes those received (54) prior to the application first being reported to Members in June 2014.

4.2.2. The letters of objection have raised some or all of the following points:

Impact on Conservation Area / Street scene

- A similar plan was refused in 2010.
- A large house would be built on an important part of the conservation area, which the local authority has a duty to protect.
- The development would destroy an important part of the conservation area, ruining views into and out of the region.
- The current gardened area is critical to the conservation area.
- Revisions to landscaping and removal of garage at front is meaningless.

- The whole of the site is within the conservation area.
- Overdevelopment
- An Article 4 is in place on the majority of house in Essex Road to stop people building up at the rear of their houses, blocking views into and out of the conservation area. The development will spoil the very features the conservation area was put in place to protect and block out views of the skyline and other green garden areas.
- The design is not of a sufficiently high standard
- The statutory test and policy requirements are not satisfied.
- Detrimental to the character of the conservation area.
- It neither enhances or preserves the setting of the conservation area but seriously detracts from its character.
- The clear and very recent message from the courts is that the desirability of preserving the setting of heritage assets is not merely a balancing exercise.
- The introduction of a driveway on the grass verge has a detrimental effect on the character of the conservation area.
- The proposal does not shield the view of Tower Point, this is a false statement. A large tree, which does, will be lost to the proposal.
- Any new house will be substantially higher than the other surrounding houses and those within the conservation area. Properties near Town Park are scaled down and are smaller two storey with dormers or are bungalows.
- Due to expansion of No.36 it will look even more squeezed in, out of proportion, and due to the land elevation will be intrusive and dominate the area, changing the character completely.
- There has been no consultation to change the conservation area boundaries.
- The garden being overgrown is not a reason to build over it.
- The Pegasus Report is confused and misleading.
- The parcel of land has trees which screen the Essex Road properties. This offers a leafy green end to the vista down Uvedale Road.
- Tower Point is only visible from a select area of Walsingham road and is not as prominent as everyone is making out.
- The council previously considered this part of land significant and in changing its view was criticised by the High Court Judge and the council lost on all 7 points with costs awarded against.
- The scheme assessed is exactly the same as rejected by the High Court.
- 82% of the proposed house is in the conservation area.
- Development of any sort on this piece of garden land would spoil the very features the conservation area was put in place to protect and block out views of the skyline and other green garden areas.
- There will be substantial harm to this parcel of land.

Amenity

- Overshadowing
- Overlooking
- Daylight / sunlight / noise issues
- Loss of privacy
- Loss of views
- Flank wall of existing building is hidden by trees and the proposed wall will be 1m from boundary with No.32 Essex Road, casting a shadow, being totally dominant and reducing amenity, ruining the sunny aspect of the garden and views out of the conservation area.

Biodiversity

- The area is a haven for wildlife.

Highway Safety

- Dangerous for pedestrians and children with cars blindly reversing out.
- Overlooking into rear garden of Nos.26, 28 and 34 Essex Rd.
- No turning circle within the site resulting in cars reversing out blindly.
- Hazard for pedestrians.
- Dangerous corner.
- Loss of valuable parking spaces.
- This corner of Walsingham Road is one of 3 primary routes into Town Park. Sightlines are crucial and the creation of an additional driveway in close proximity to the entrance would create a further hazard.
- Proposed driveway is steeply elevated with low walls obscuring the pavement. This is a hazard.
- Carriage drive is shown incorrectly.

Other Matters Raised

- Between 2010 and the present day there has been no significant changes in planning policy which can support a staggering U-turn, raising concerns in respect of the lawfulness of the Council's decision making process.
- Relying on the presumption in favour of sustainable development demonstrates that planning policy is being incorrectly applied.
- The reason for securing a legal agreement to act as a public benefit to outweigh the less than substantial harm to the setting of the conservation area is unlawful.
- The decision to override the professional advice of CAG raises serious questions in respect of the Council's ability to discharge their duty under the S72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- Elements of the Character Appraisal have been overlooked. No reference to sub area 5 (Town Park), only to sub area 2 (the New Town).
- S106 agreements should only be relied upon where they are necessary to make the development acceptable in planning terms. The Council's questionable approach is to rely on the contributions to justify the harm to the conservation area as a public benefit that outweighs the harm that results.
- Until it is clearly stated what the harm is, it is difficult to understand the correlation between the harm and public benefit.
- Members are being asked to permit a development that doesn't comply with the development plan on the basis that it will secure S106 contributions. The council's reasoning is contrary to s.38(6) of the Planning and Compulsory Purchase Act 2004 and regulation 122 of the 2010 CIL Regs.
- The driveway was included in a separate application to extend the existing dwelling. It has been implemented in breach of numerous planning conditions.
- The proposed development is crucially located close to the pedestrian path that leads directly to Enfield Town Park. The applicant has ensured that an earlier consent granted in 2013 for an extension to number 36 includes the driveway that will form the main vehicular access to the new dwelling. In turn, there are various breaches of the 2013 Permission that have not been resolved and have a direct bearing on highway safety. Despite this, Members are being asked to approve this application without debating highway safety.

- The Committee Report also fails to address why the Council has not considered paragraph 53 of the NPPF which directs Councils to consider resisting inappropriate development of residential gardens. The proposal is for a large detached property in a cramped location at the edge of the conservation area. If permitted it will result in the loss of an open area at the entrance to Enfield Town Park.
- There is an existing shortage of school places / GP's / dentists and no a & e.
- A four bed new build serves no purpose.
- Do not understand why the application has been re-submitted having been thrown out by the courts.
- Approval of this scheme would give the impression that council employees are now working on behalf of developers.

4.2.3. The letters of support have raised some or all of the following points:

Impact on Conservation Area / Street scene

- Letters have been received requesting objections to the new house however, although understanding of the concerns to maintain the character of the area, there is a shortfall of residential units.
- Do not support town cramming however the development site would not result in such development.
- The plot is of a sufficient size to accommodate a new dwelling and would relate well to the surrounding residential properties.
- Can understand why the developers considered that this part of the site should be removed from the conservation area as it does not have an obvious association with it as it does not now form a rear garden of one of the properties of Essex Road.
- The proposal would make a positive contribution to the conservation area and would not result in significant harm.
- It would shield views of Tower Point from Walsingham Road and Uvedale Road; Tower Point provides an unsympathetic form of architecture of no merit, which dominates and detracts from the skyline and conservation area. The character Appraisal also refers to this building as being a negative feature.
- The proposal will screen views to some extent of the rear building facades of the properties fronting Essex Road which are of limited architectural merit, especially as some have had the intervention of rear extensions which have altered and disturbed the original symmetry and rhythm of the rear building lines.
- Views of the site from Essex Road and Town Park would be limited as the new house built on the entrance to the park blocks views of the site and the site can only be glimpsed from limited gaps between the buildings on Essex Road.
- Some of the land would be lost to built development but garden space would remain for the existing and provided for the new house.
- There is a variety of housing types in Walsingham and Uvedale Roads which add to the interest of the street. The new dwelling would not be out of keeping.
- The design and form would not be unduly dominant and the ridgeline will not extend above the adjoining neighbours.
- The use of front dormers reduces the scale of the building.
- The design reflects those on Walsingham Road and Uvedale Road which seems more appropriate than trying to reflect the houses in the conservation area.
- The frontage of the building is located on Walsingham Road, thereby forming part of its street scene.

- Building on open land does have an impact on the environment as generally open views are nicer than built development however this needs to be balanced against the need for new housing and that new development can be sympathetically designed to fit in with and preserve and enhance the existing environment.
- The development will preserve and enhance the conservation area by improving views into the conservation area by reducing views of Tower Point.
- The land has become vacant and derelict. With the current need and demand for housing, this is an acceptable and sensible application.
- Overdevelopment of land is dependent on acreage and not on the opinion of residents who do not live in our roads.
- It would be nice to see a family house opposite my house.
- The new house will enhance the area

Highway Safety

- The impact on pedestrian and road safety would be minimal as the comings and goings generated would be minimal.
- Anyone who lives near this corner knows that the only time it is busy is between 8am to 9am and 5pm to 6pm.
- Cyclists would be the hazard to people using the walk.

Amenity

- Conditions should be imposed for appropriate landscaping, obscure glazing for the flank window and no additional flank windows as first floor level.
- While development will run along rear gardens of Nos.26 & 28 Essex Road, given change in levels, orientation of the site and depth of gardens, the proposal will not result in an unacceptable loss of light or on balance be detrimental to the visual and residential amenities to residents of Essex Road.
- Due to distancing levels, the scheme will not appear over dominant or overbearing.

Other Matters Raised

- Reasons given for objecting are weak and vindictive.
- Literature against the development has been printed for residents in Private Road, Park Crescent and Park Avenue to sign. This does not affect them.

5. Relevant Policy

- 5.1.** The National Planning Policy Framework (“NPPF”), published in March 2012, advises at para. 14 that a presumption of sustainable development is at the heart of the NPPF. For decision taking this means that unless material considerations indicate otherwise, developments which accord with the development should be approved without delay. Where a development plan is absent, silent or relevant policies are out of date, permission should be granted unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted (e.g. designated heritage assets).
- 5.2.** The policies listed below are up-to-date and considered to be consistent with the NPPF and therefore it is considered that due weight should be given to them in assessing the development the subject of this application.

5.3. The London Plan

Policy 3.3	Increasing housing supply
Policy 3.4	Optimising housing potential
Policy 3.5	Quality and design of housing developments
Policy 3.6	Children and young people's play and informal recreation facilities
Policy 3.8	Housing choice
Policy 3.9	Mixed and balanced communities
Policy 3.11	Affordable housing targets
Policy 3.12	Negotiating affordable housing
Policy 3.13	Affordable housing thresholds
Policy 3.14	Existing housing
Policy 5.1	Climate change mitigation
Policy 5.2	Minimising carbon dioxide emissions
Policy 5.3	Sustainable design and construction
Policy 5.5	Decentralised energy networks
Policy 5.6	Decentralised energy in development proposals
Policy 5.7	Renewable energy
Policy 5.8	Innovative energy technologies
Policy 5.9	Overheating and cooling
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 5.13	Sustainable drainage
Policy 5.14	Water quality and wastewater infrastructure
Policy 6.3	Assessing the effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 7.1	Lifetime neighbourhoods
Policy 7.2	An inclusive environment
Policy 7.3	Designing out crime
Policy 7.4	Local character
Policy 7.6	Architecture
Policy 7.8	Heritage assets and archaeology
Policy 7.14	Improving air quality
Policy 7.15	Reducing noise and enhancing soundscapes
Policy 7.19	Biodiversity and access to nature

5.4. Core Strategy

CP2:	Housing supply and locations for new homes
CP3:	Affordable housing
CP4:	Housing quality
CP5:	Housing types
CP9:	Supporting community cohesion
CP20:	Sustainable energy use and energy infrastructure
CP21:	Delivering sustainable water supply, drainage and sewerage infrastructure
CP22:	Delivering sustainable waste management
CP24:	The road network
CP25:	Pedestrians and cyclists
CP26:	Public transport
CP28:	Managing flood risk through development
CP30:	Maintaining and improving the quality of the built and open environment
CP31:	Built and landscape heritage

CP32: Pollution
 CP34: Parks, playing fields and other open spaces
 CP36: Biodiversity
 CP46: Infrastructure contributions

5.5. Development Management Document

DMD2	Affordable Housing for Development of Less than 10 Units
DMD3	Providing a Mix of Different Sized Homes
DMD6	Residential Character
DMD7	Development of Garden Land
DMD8	General Standards for New Residential Development
DMD9	Amenity Space
DMD10	Distancing
DMD13	Roof Extensions
DMD37	Achieving High Quality Design-Led Development
DMD38	Design Process
DMD44	Preserving and Enhancing Heritage Assets
DMD45	Parking Standards
DMD47	New Roads, Access and Servicing
DMD48	Transport Assessments
DMD49	Sustainable Design and Construction Statements
DMD50	Environmental Assessment Methods
DMD51	Energy Efficiency Standards
DMD53	Low and Zero Carbon Technology
DMD54	Allowable Solutions
DMD55	Use of Roof Space / Vertical Surfaces
DMD56	Heating and Cooling
DMD57	Responsible Sourcing of Materials
DMD58	Water Efficiency
DMD59	Avoiding and Reducing Flood Risk
DMD60	Assessing Flood Risk
DMD61	Managing Surface Water
DMD65	Air Quality
DMD68	Noise
DMD69	Light Pollution
DMD70	Water Quality
DMD72	Open Space Provision
DMD73	Children's Play Space
DMD78	Nature Conservation
DMD79	Ecological Enhancements
DMD81	Landscaping

5.6. Other Relevant Policy/Guidance and Considerations

National Planning Policy Framework
 National Planning Practice Guidance
 LBE S106 SPD
 Enfield Strategic Housing Market Assessment (2010)
 Monitoring Report and Housing Trajectory 2015 (2016)
 Enfield Town Conservation Area Character Appraisal (2015)
 Community Infrastructure Levy Regulations 2010
 Historic England: The Setting of Heritage Assets: Historic Environment Good Practice
 Advice in Planning: 3

6. Analysis

6.1. Principle

- 6.1.1. In broad terms, the proposal would be consistent with the aim of the London Plan and with policies within the Core Strategy which seek to contribute to the strategic housing needs of Greater London and the Borough. In addition, regard must also be given to all other relevant planning considerations which include seeking to ensure that the appropriate regard is given to heritage matters, an acceptable design, no undue adverse impact on neighbour amenity, and acceptability in highways terms
- 6.1.2. Although the proposal may meet with the broad aim above, consideration must also be given to a previously refused application to subdivide the plot and erect a detached 4-bed dwelling house (ref: TP/10/0818, the “2010 scheme”). The plans considered for that scheme are attached at Appendix 1 of this report.
- 6.1.3. Since the 2010 scheme, the National Planning Policy Framework (“NPPF”) was introduced in March 2012 and the National Planning Practice Guidance (“NPPG”) in March 2014. At the heart of the NPPF is the presumption in favour of sustainable development as described in paragraphs 11-16 of the NPPF. A key aim of the NPPF is to encourage sustainable development, within the statutory context of determining planning applications in accordance with the development plan unless material considerations indicate otherwise (s 38(6) PACPA 2004 and s 70(2) TCPA 1990).
- 6.1.4. The NPPG advises that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. It also advises that conservation is an “active process of maintenance and managing change”. Heritage assets are considered to be an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.
- 6.1.5. Section 72 (general duty as respects conservation areas in exercise of planning functions) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“Listed Buildings Act”) confirms that, in respect of buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. ‘Preserving’ in this context means doing no harm (as explained by the HL in *South Lakeland DC v S of S* [1992] 2 AC 141 at p.150)
- 6.1.6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2. Heritage Considerations

Statutory Background and the NPPF

- 6.2.1. Sections 66 and 72 of the Listed Buildings Act confirm that special attention shall be paid to the desirability of preserving a listed building or its setting (s.66) and preserving or enhancing the character or appearance of that area (s.72). The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* [2014] EWCA Civ 137, concluded that where an authority finds that a development proposal would harm the setting of a listed building or the character and appearance of a conservation area, it must give that harm “*considerable importance and weight*”.

- 6.2.2. Justice Lindblom reconfirmed the Barnwell judgement and the considerations to be undertaken by a planning authority in *The Forge Field Society & Ors, R v Sevenoaks District Council* [2014] EWHC 1895 (Admin) by observing at para.49 that:

“when having to give considerable importance and weight to any harm it did not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgement. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize...that a finding of harm...gives a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and demonstrably applies that presumption to the proposal it is considering”

- 6.2.3. In *R. (on the application of Hughes) v South Lakeland DC* [2014] EWHC 3979 (Admin), the court addressed the correct approach to assessing development proposals in a conservation area as well as covering the approach to heritage in the NPPF. Judge Waksman QC addressed relevant guidance at paras 131-135 NPPF. He explained that in a para.134 case, harm to a designated heritage asset was to be given more weight than it would if it were simply one of a number of factors to be considered. Where non-designated heritage assets were being considered the harm was to be taken into account as part of a ‘balanced judgment’ (paras 50-53 see NPPF para. 135).

- 6.2.4. In *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin), Gilbart J considered at paras.49 and 50 that:

*“the significance of a heritage asset still carries weight at the balancing stage required by paragraph 134, and to the extent that Kenneth Parker J in *Colman v Secretary of State for Communities and Local Government & Ors* [2013] EWHC 1138 and Jay J in *Bedford Borough Council v SSCLG* [2013] EWHC 2854 suggest otherwise, I prefer the approach of Judge Waksman QC. Thus, the value and significance of the asset, whatever it may be, will still be placed on one side of the balance. The process of determining the degree of harm, which underlies paragraph 132 of NPPF, must itself involve taking into account the value of the heritage asset in question. Not all effects are of the same degree, nor are all heritage assets of comparable significance, and the decision maker must assess the actual significance of the asset and the actual effects upon it.*

But one must not take it too far so that one rewrites NPPF. It provides a sequential approach to this issue. Paragraphs 126-134 are not to be read in isolation from one another. There is a sequential approach in paragraphs 132 -4 which addresses the significance in planning terms of the effects of proposals on designated heritage assets. If, having addressed all the relevant considerations about value, significance and the nature of the harm, and one has then reached the point of concluding that the level of harm is less than substantial, then one must use the test in paragraph 134. It is an integral part of the NPPF sequential approach. Following it does not deprive the considerations of the value and significance of the heritage asset of weight: indeed it requires consideration of them at the appropriate stage. But what one is not required to do is to apply some different test at the final stage than that of the balance set out in paragraph 134. How one strikes the balance, or what weight

one gives the benefits on the one side and the harm on the other, is a matter for the decision maker. Unless one gives reasons for departing from the policy, one cannot set it aside and prefer using some different test"

6.2.5. In Jones v Mordue [2015] EWCA Civ 1243, the CA indicated that, generally, a decision maker who works through the relevant paragraphs (para 131-134 NPPF) in accordance with their terms will have complied with a s66/72 duty. Recently, the High Court in Forest of Dean DC v S of S and Gladman [2016] EWHC 421 have indicated that where there is a finding of less than substantial harm to a designated heritage asset, the harm has to be weighed against the public benefits of a the proposal in the ordinary unweighted way because it is a policy indicating development should be restricted so that the presumption in para 14 of the NPPF is disapplied by virtue of footnote 9 of the NPPF.

6.2.6. Section 12 of the NPPF (Conserving and enhancing the historic environment) advises LPAs to recognise heritage assets as an "*irreplaceable resource*" and to "*conserve them in a manner appropriate to their significance*" (para. 126).

6.2.7. When determining planning applications, LPAs are advised to take into account of:

- *"the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness"* (para.131)

6.2.8. Paragraphs 132 -134 NPPF provide:

132 "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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

6.2.9. Paragraph 135 provides guidance in relation to non-designated heritage assets. The development proposal must also be assessed against the significance of the heritage asset, and “a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

6.2.10. In addition, at paragraph 137, LPAs are also advised to look for opportunities for new developments within conservation areas and within the setting of heritage assets to better reveal their significance. Where a proposal preserves those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

6.2.11. The NPPF provides a glossary of terminology at Appendix 2 which Members may find useful. The relevant heritage terms include:

- **“Heritage Asset:** *A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*
- **Setting of a heritage asset:** *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*
- **Significance (for heritage policy):** *The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”*

6.2.12. Paragraph 20 of the NPPG provides some guidance on the term “public benefit”:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Public benefits may include heritage benefits, such as:

- *sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- *reducing or removing risks to a heritage asset*
- *securing the optimum viable use of a heritage asset in support of its long term conservation”*

6.2.13. A “benefit” is not limited solely to heritage benefits but to all material planning benefits arising from a particular scheme, providing that they meet with the relevant policy tests for conditions and obligations.

- 6.2.14. The NPPG advises that the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which the asset is experienced is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.
- 6.2.15. The NPPG also advises that the conservation of heritage assets in a manner appropriate to their significance is a core planning principle. It also advises that conservation is an “*active process of maintenance and managing change*”. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.
- 6.2.16. Significance, as advised within the NPPF derives not only from a heritage asset's physical presence but also from its setting. When assessing significance, it is advised that great weight should be given to the asset's conservation and the more important the asset, the greater the weight to be applied. Where a development leads to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including its optimum viable use. The NPPG advises that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. It does also advise that ‘substantial harm’ is a high test, so may not arise in many cases.

Local Plan

- 6.2.17. Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise, as confirmed at s.38(6) of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and s.70(2) of the Town and Country Planning Act 1990 (“T&CPA 1990”). The Local Plan, as confirmed at s.38(2) of the 2004 Act, comprises of: the Spatial Development Strategy for Greater London Consolidated with Alterations Since 2011 (March 2015) (“London Plan”), the Enfield Plan Core Strategy 2010-2015 (“Core Strategy”) and the Development Management Document (“DMD”).
- 6.2.18. London Plan policy 7.8 (Heritage Assets and Archaeology) advises that at a strategic level, London's heritage assets and historic environment should be identified

Strategic

- A. *London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, Conservation Areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.*
- B. *Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.*

Planning decisions

- C. *Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.*

- D. *Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*
- E. *New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.*

LDF preparation

- F. *Boroughs should, in LDF policies, seek to maintain and enhance the contribution of built, landscaped and buried heritage to London's environmental quality, cultural identity and economy as part of managing London's ability to accommodate change and regeneration.*
- G. *Boroughs, in consultation with English Heritage, Natural England and other relevant statutory organisations, should include appropriate policies in their LDFs for identifying, protecting, enhancing and improving access to the historic environment and heritage assets and their settings where appropriate, and to archaeological assets, memorials and historic and natural landscape character within their area.*

6.2.19. Core Policy 31 (Built and Landscape Heritage) confirms that the Council will implement national and regional policies and work with partners to “*pro-actively preserve and enhance all of the Borough's heritage assets*”. This is to be achieved by the following:

- *Reviewing heritage designations and their boundaries where appropriate, and continuing to maintain non-statutory, local lists and designations based on formally adopted criteria;*
- *Ensuring that built development and interventions in the public realm that impact on heritage assets have regard to their special character and are based on an understanding of their context. Proposals within or affecting the setting of heritage assets will be required to include a thorough site analysis and character appraisal which explicitly demonstrates how the proposal will respect and enhance the asset;*
- *Identifying opportunities for the repair and restoration of heritage assets and working with owners of heritage assets on English Heritage's Heritage at Risk Register to find viable solutions to secure the asset's long-term future. Where necessary, the Council will make full use of its legislative powers to ensure their preservation;*
- *Ensuring developments in areas of archaeological importance take into account the potential for new finds by requiring consultation with English Heritage and on-site investigations, including the appropriate recording and dissemination of archaeological evidence;*
- *Supporting appropriate initiatives which increase access to historic assets, provide learning opportunities and maximise their potential as heritage attractions, particularly at Forty Hall and the Area of Special Character in the north west of the Borough; and*
- *Finding new ways to record and recognise Enfield's intangible heritage resources and, where possible, open up wider public access to them.*

6.2.20. The DMD was adopted by the Council in November 2014. Policy DMD44 (Preserving and Enhancing Heritage Assets) confirms the following:

1. *Applications for development which fail to conserve and enhance the special interest, significance or setting of a heritage asset will be refused*
2. *Development affecting heritage assets or their setting should seek to complement the asset in all aspects of its design, materials and detailing*
3. *All applications affecting heritage assets or their setting should include a Heritage Statement. The applicant will also be required to record and disseminate detailed information about the asset gained from desk-based and on-site investigations. Information should be provided to the Local Planning Authority, Historic Environment Record and English Heritage. In some circumstances, a Written Scheme of Investigation will be required.*

Enfield Town Conservation Area Character Appraisal

6.2.21. Part of the site (approximately 57% of the curtilage of the proposed dwelling) falls within the Enfield Town Conservation Area and in particular, within a sub area defined as “the New Town”. The special interest for this character area is summarised at para. 2.7.10 of the Character Appraisal:

- *This is a contained area, with clearly defined boundaries, all of which was laid out and built between the 1860s and 1890s;*
- *There is clear separation by use, date and built form from its setting area;*
- *Most houses are in London stock brick, providing visual unity, but each street retains its own character deriving from scale, plot size and views;*
- *All streets have a range of good quality architectural details and features;*
- *The relationship with Town Park (particularly the views from Essex Road) provides views of exceptional quality as a setting for the buildings on the west side of the area;*
- *Mature street trees and garden trees complement the townscape and provide focuses, vistas and a backdrop to the buildings.*

6.2.22. The Problems and Pressures of this character area are identified at para. 2.7.11 of the Character Appraisal. The principle issues are identified as:

- *The visual intrusiveness of Tower Point has been exacerbated by the colour and reflectivity of the re-cladding, and the design of the glazed balcony additions to the elevations.*
- *Sydney Road is affected by the poor design and condition of modern buildings from the 1960s-1970s along one side.*
- *The proximity of the shopping centre and the pressure for car parking space at busy times impinge on the northern end of Sydney Road. Raleigh Road is better protected, because there is no entry from Cecil Road.*
- *The problem of loss of character over many years through incremental change under permitted development rights, to which smaller properties are especially vulnerable, is widespread in this character area and is particularly noticeable in Raleigh Road. Doors, windows and property boundaries have all suffered from unacceptable change over many years. An Article 4 (2) direction was adopted in 2006 to control further change, but detailed monitoring is needed to ensure that it*

is operating efficiently and that original or traditional features, materials and designs are re-instated where possible.

- *Front-garden car-parking detracts from the character of the larger properties, where it has sometimes been carried out without due regard to sensitive detailing and planting. Again, an Article 4 (2) direction is now in operation to help manage future change.*
- *The insertion and addition of garages and hard-standings, both in new development and in existing properties, is changing the character of the street by widening accesses from the highway and creating footway crossings;*
- *The Sydney Road car park is badly designed and laid out, with poor quality hard landscaping, boundaries and signage. It breaks the rhythm of the street's semi-detached villas.*
- *The fine view of Town Park from Essex Road has been compromised by the ball-park area (Figure 18), whose bright blue colour and rectilinear form intrudes on the open green space in the centre of vision.*

6.2.23. The factors for consideration will be:

- The significance of the asset
- Proximity
- Visibility
- Compatibility of the proposal with the context and setting of the asset
- The sensitivity to harm of the asset

6.2.24. The above factors must be considered against the identified special interest and setting of the Conservation area.

Heritage Assessment

6.2.25. There are no listed buildings in proximity of the site. Number 4 Essex Road, a locally listed building, is sited approximately 140m to the east, however this is considered too far removed from the application site (and is not visible) to be of any consequence to the assessment of the current application. The only designated heritage asset to be given any consideration therefore is the conservation area, with particular regard given to the statutory requirement to give special attention to preserving or enhancing its character or appearance (s.72).

6.2.26. Although part of the application site is within the conservation area, it is not visible from Essex Road, neither can it be experienced from Essex Road or from the wider conservation area. Moreover, there are no views into the site from Walsingham and Uvedale Roads due to the elevated ground level of the site and the existence of boundary fencing. Paragraph 6.2 of the submitted Heritage Statement considers that the " *historic significance of the site is very limited due to the peripheral location and the fact that there is no relationship between the site and the Conservation Area as a whole, other than previously forming part of the curtilage of one of the properties fronting on to Essex Road. The site does not contribute to the significance, character or appearance of the Enfield Town Conservation Area in its own right, nor does it have an important role in the setting of this part of the Conservation Area, appearing as part of the Walsingham Road frontage, rather than having a relationship with the properties on Essex Road*". The above is further supported at para.3.3 of the Drury McPherson report.

6.2.27. The view towards the conservation area from Walsingham and Uvedale Roads is not identified within the Character Appraisal as a “key view” (see image below, the key view identified is that into Town Park), as also confirmed in the submitted Heritage Statement (para.6.3). The view from these roads is only of the rear of the dwelling houses fronting Essex Road, which are of no particular architectural or historical merit. Notwithstanding this, standing outside the existing widened footway crossing, the rear of No.32 Essex Road becomes visible beyond two trees (two semi mature trees (a sycamore and an ash) in close proximity to each other and identified as T3 on the submitted plans) at the bottom of the garden of No.34 Essex Road. These views, and the aforementioned trees, remain unaffected by the proposed development because the front building line of the proposed dwelling is in common alignment with the existing dwelling at 36 Walsingham Road. Views to the rear of other dwellings fronting Essex Road are prohibited from existing trees along the fence line separating the application site from the existing dwelling at 36 Walsingham Road. These trees will be removed as a result of the development however the development will not result in any further loss of views into the conservation area from this vantage point.



*Enfield Town Conservation Area Character Appraisal:
the new town - townscape analysis*

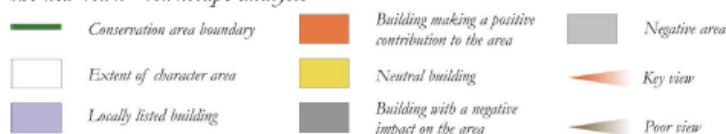


Figure 19: Townscape analysis (the New Town)

6.2.28. The level of distancing between the rear of the rear of the Essex Road dwellings and their common boundary with the application site is such that a sense of openness

and spaciousness is retained. Moreover, as mentioned above, due to the higher ground elevation of the Essex Road dwellings (and the application site) to the ground level of Walsingham Road itself, only the first floor and roofs are visible above fence lines. As considered within the Drury McPherson report, the submitted Heritage Statement and supported by Council's Conservation Officer, the application site makes no contribution in its own right to the significance of the conservation area.

- 6.2.29. Paragraph 2.7.7 of the Character Appraisal considers that gardens have “*considerable*” importance because front gardens are not deep therefore views through gaps to back gardens or across and into long corner plots are “*extremely important*”. From Essex Road, the only potential view of the proposed dwelling house will be between Nos.32 and 34. Whilst these two dwelling houses are part of separate pairs of semi-detached dwellings, they are linked by respective extensions at their rear / side. Beyond this, above the front walls of the aforementioned extensions, are views of trees at the bottom end of the garden, approximately 50m distant from the back edge of the pavement (the proposed dwelling house would sit a further 1m to 2m beyond the rear boundaries). When the trees are not in leaf, due the distances involved and the presence of the aforementioned extensions, there may be some glimpses only of the very top of the flank wall / roof of the proposed dwelling. Any potential view would be so minor that it would not have any effect on the ability of a casual observer to appreciate the significance of the conservation area (for example, the built form, architectural detailing of dwellings, views towards Town Park). Moreover, due to the distances involved and the narrow gap between Nos.32 and 34 Essex Road, any observer would have to knowingly look for the development. During the Spring / Summer months, any potential glimpses of the proposed dwelling should be obscured by the trees in leaf at the bottom of the gardens. Having regard to the above, it is therefore considered that the proposed development would not harm the importance of views into rear gardens. Having regard to the above, it is considered that the proposed development will not harm the significance of the conservation area.
- 6.2.30. It is acknowledged that the built form, materials and architectural detailing will differ from those dwellings fronting Essex Road, however, this is not necessarily harmful. It is also acknowledged that in refusing the 2010 application, the officer considered that the proposed dwelling should “*take as a guide those dwellings within the Conservation Area not those directly outside*” (para.6.1.4). However, unless all elements (style, design, materials, workmanship) are an exact replica of those dwellings, the proposed dwelling would risk being a pastiche of the Essex Road dwellings. Given the significant level of distancing involved between the proposed dwelling and those on Essex Road, this potentially allows for a built form and pallet of materials that differs from those dwellings within the conservation area. Moreover, to replicate the dwellings on Essex Road would result in a dwelling which would be completely out of keeping and character with the street scene to which it should relate, Walsingham Road. Heritage advice contained within the Drury McPherson report and supported by Council's Conservation Officer confirms that in relation to design, “*this should relate, in terms of volume, height and use of materials, to the streetscape of Walsingham Road, which provides its context*” (para.4.3). This is reinforced at 7.11 of the submitted Heritage Statement. Although the Drury McPherson report and the submitted Heritage Statement considers the proposed palette of materials to be appropriate, officers are of the opinion that an improvement could be made in the replacement of the proposed uPVC fenestration with traditional timber joinery. Having regard to the above, it is considered that subject to securing details of the materials proposed (the applicant has agreed to provide wooden fenestration), the proposed development will not harm the significance of the conservation area.

- 6.2.31. The proposed development, due to it not being visible from Town Park and the level of distancing to Essex Road, will not cause any harm to the relationship between Town Park and its views from Essex Road.
- 6.2.32. When assessed against the “problems and pressures” of this part of the conservation area, the proposed development would not further exacerbate any of the identified issues. Standing opposite the widened crossover, views into the conservation area over the embankment are terminated by Tower Point in the background. The proposed dwelling would largely block this view, thus contributing to enhancing the setting of the conservation area, a view supported at para.7.15 of the submitted Heritage Statement.

Archaeology

- 6.2.33. As advised in the supporting paragraphs to DMD44 (“Conserving and Enhancing Heritage Assets”), many heritage assets remain undiscovered. They also contain information about our past which can easily be damaged and never replaced. In relation to archaeology, as advised by Historic England (GLAAS), due to the site sitting within the Ermine Street Archaeological Priority Area, important Roman remains connected with the Roman settlement close to Leighton Road could be affected. Historic England has suggested a condition to enable reasonable access by the Enfield Archaeological Society to record findings. This is reflected in proposed condition 22.

Summary of Heritage Considerations

- 6.2.34. The site, although within the conservation area due to historical boundary lines, is clearly isolated from the wider conservation area and is not experienced from within the conservation area.
- 6.2.35. Due to the level of distancing to those elements which are considered to form the special interest of the Conservation area and the open spacious gap which would still be retained between the dwellings on Essex Road and the proposed dwelling, the development will not harm the significance of the conservation area (and/or sub area).
- 6.2.36. The development is considered to continue to conserve the setting of the conservation area and from some vantage points, to enhance the setting by blocking views toward Tower Point, an identified negative feature of the conservation area. Moreover, by condition proposed, any archaeological findings will be recorded.
- 6.2.37. Having regard to the statutory requirement to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (s.72) the proposal has been assessed against the identified heritage asset as set out above. It is considered that the development proposals will not lead to any harm to the significance of the designated heritage asset (conservation area) and will continue to preserve and enhance it having regard to Policy 7.8 of the London Plan, Core Policy 31, Policy DMD44 of the Development Management Document, and with section 12 of the NPPF. The development proposals must therefore now be assessed against any other material considerations, in accordance with s.38(6) of the 2004 Act and s.70(2) of the T&CPA 1990.

6.3. Impact on Character of Surrounding Area

Design

- 6.3.1. There is clear guidance on the approach to the matter of design. The NPPF (section 7) confirms that the Government attaches great importance to the design of the built environment, with good design being a key aspect of sustainable development but Paragraph 59 of the NPPF confirms that design policies should “*avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally*”. Paragraph 60 further advises that “*decision should not impose architectural styles or particular tastes... [nor] stifle innovation, innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...[although it is] proper to seek to promote or reinforce local distinctiveness*” while paragraph 61 advises that “*...decisions should address...the integration of new development into the natural, built and historic environment*”.
- 6.3.2. London Plan policy 7.1 (“Lifetime neighbourhoods”) advises that the design of new buildings and the spaces created by them should “*help to reinforce or enhance the character, permeability, and accessibility of the neighbourhood*” while policies 7.4, 7.5 and 7.6 confirm the requirement for achieving the highest architectural quality, taking into consideration the local context and its contribution to that context. Design should respond to contributing towards “a positive relationship between urban structure and natural landscape features...” Policy DMD 37 (“Achieving High Quality and Design Led Development”) confirms the criteria upon which application will be assessed. However, it also recognised there is a degree of subjectivity in this assessment of acceptable design.
- 6.3.3. Although sitting mostly within the conservation area, the proposed dwelling has not been designed to reflect the style and type of housing within the conservation area. As discussed above, it is considered entirely appropriate that the proposed dwelling should be more reflective of the housing on the street to which it relates, Walsingham Road. Details of materials will be secured by condition.
- 6.3.4. The relationship to flank boundaries is considered appropriate given the level of distancing from the common boundary (and proposed flank wall) to the rear of the dwellings on Essex Road. A sense of “spaciousness” between the proposed and existing developments continues to be maintained.
- 6.3.5. The proposed dwelling will be similar in height to the existing house at No.36 Walsingham Road. Whilst it is recognised that the wider street scene does contain some bungalows on the opposite side of the road (some with accommodation within the roof space), in street scene terms, it would not be unacceptable for a two-storey dwelling to be erected on the site. Whilst there is no uniform roof type in the area, front dormer windows are common, as are projecting gable features. The proposed dwelling features these elements.

Density

- 6.3.6. The assessment of any development must acknowledge the NPPF and the London Plan, which encourage greater flexibility in the application of policies to promote higher densities. Policy 3.4 of the London Plan in particular encourages the development of land to optimise housing potential but recognises this must be appropriate for the location taking into account local context, character, design and public transport capacity. The site falls within an area with a Public Transport Accessibility Level (PTAL) rating of 2, therefore the London Plan suggests that a

density range of 150-250 habitable rooms per hectare (hrph) may be appropriate for this location.

- 6.3.7. Seven habitable rooms are proposed on a site measuring approximately 0.041319sqm, providing a density of approximately 169hrph. This is at the lower end of the suggested range and given the location and nature of the site, a development at the lower end of this range is considered appropriate.

Amenity Space Provision

- 6.3.8. Amenity space standards contained with the DMD are based upon the number of rooms and occupancy level, for example, a 4-bed 6-person dwelling should provide 50sqm of private amenity space across the whole site.
- 6.3.9. The proposed GIA is approximately 160sqm and the proposed amenity space is calculated to be approximately 250sqm (147sqm at the rear), thus providing a ratio of 156%. On this basis, the level of amenity provision exceeds adopted standards. It is recognised that the proposed dwelling provides a greater footprint than the existing dwelling but one that would be comparable in size to No.36A. Moreover, whilst the depth of the proposed rear garden (maximum point, 12m) is less than the approximate average of 30m for those dwellings fronting Essex Road, the level of provision (total and at the rear) exceeds many of the properties immediately adjacent on Essex Road. On balance, this element of the development proposal is considered acceptable.
- 6.3.10. The resulting amenity space provision for the existing dwelling must also be assessed, because it would be unacceptable to compromise provision or quality for the existing occupiers. Approximately 219sqm of amenity space will be retained for the existing dwelling, which now has a GIA of approximately 226sqm following the implementation of the 2012 permission. The proposed level of amenity space for the existing dwelling exceeds DMD standards and it will still remain comparable with the garden provision of other dwellings within the area.
- 6.3.11. Although some of the site is within the conservation area and is covered by an Article 4 Direction, the Direction only restricts development "*facing or visible from a highway or open space*". Having regard to the footprint of the dwelling proposed and the potential, under the current permitted development ("PD") rights regime for a detached dwelling to extend up to 4m under normal householder PD rights (up to 8m under the prior notification scheme), it is considered appropriate to impose a condition restricting PD for extensions.
- 6.3.12. In addition, there is also the potential for large outbuildings to be erected under Class E. Whilst it is recognised that under the PD regime, not more than 50% of the original garden for the proposed dwelling can be covered by outbuildings and extensions, having regard to the importance attached to gardens within the conservation area, it is considered appropriate to restrict permitted development rights.

Garden Land Development

- 6.3.13. Although garden land is not included in the definition of "previously developed land", this does not exclude all development upon it. The NPPF advises that policies should resist inappropriate development where for example, it will cause harm to the local area (para.53). DMD 7 provides the criteria upon which the development of garden land would be permitted:

- a. *The development does not harm the character of the area;*
- b. *Increased density is appropriate taking into account the site context in terms of its location, accessibility and the provision of local infrastructure;*
- c. *The original plot is of a sufficient size to allow for additional dwellings which meet the standards in DMD 8 'General Standards for New Residential Development', (and other design policies);*
- d. *The individual plot sizes, orientation and layout created are appropriate to, and would not adversely impact on the residential amenity within the development, or the existing pattern of development in that locality;*
- e. *An adequate amount of garden space is retained within both of the individual plots in accordance with the minimum amenity space standards (DMD 9 'Amenity Space'), and the role of each space is enhanced to contribute towards other plan objectives such as biodiversity; green corridors and networks; flood risk; climate change; local context and character; and play space;*
- f. *The proposals would provide appropriate access to the public highway*

6.3.14. When assessed against the above, the proposed development is considered to:

- a. not harm the character of the area;
- b. provides for a density level which is at the lower end of the suggested range and which is appropriate and in keeping for the locality;
- c. it complies with the criteria within DMD8 and DMD9;
- d. the orientation, layout, plot sizes is acceptable; and
- e. appropriate access, as discussed below, is provided to the highway.

6.3.15. It is considered that having regard to the above, no harm would arise to the character of the area through the development of the garden plot. The proposed development due to its design, size and siting, does not detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan, Core Policy 30 of the Core Strategy, DMD Policies 7, 8, 9 and 10 of the Development Management Document, and with guidance contained within the National Planning Policy Framework (in particular section 7).

6.4. Impact on Neighbour Amenity

- 6.4.1. A flank window is proposed for the first floor, facing No.34 Essex Road. Notwithstanding the level of distancing between the flank wall and the rear of No.34 Essex Road is approximately 30m, the window would serve an ensuite which would normally have obscure glazing. A condition would be imposed on any approval to secure obscure glazing.
- 6.4.2. Three windows are proposed for the rear of the dwelling serving two bedrooms and a centrally positioned bathroom. Each of the three windows look towards the bottom of the rear garden of No.26 Essex Road and will vary in distance from that common boundary line from approximately 13m to 15.5m. The level of distancing to the boundary is considered acceptable and would not lead to undue overlooking and loss of privacy. Moreover, the windows only look over the bottom of the garden where in suburban residential settings, some mutual overlooking is to be expected and would not constitute undue harm.
- 6.4.3. Conditions are proposed to secure obscure (sand blasted) glazing for the first floor flank window serving the ensuite and to restrict additional fenestration. A further condition to restrict permitted development rights for roof extensions is considered unnecessary in this instance because the proposed dwelling is provided with gable ends and therefore side dormers or hip-to-gable extensions would not be possible.

Moreover being sited within a conservation area, roof extensions will require planning permission.

6.5. Highway Safety

Traffic Generation

- 6.5.1. There are no concerns over the potential traffic generation of one additional dwelling house.

Access

- 6.5.2. As evidenced by the second reason for refusal of the 2010 application, concerns were raised in relation to vehicular sight lines, particularly as the previously refused scheme included a detached garage sited at the north-west end of the embankment which was to be levelled to accommodate an area of hard standing, and a widened crossover extending towards Town Park. The concerns centred over driver visibility when reversing out of the site due to the high volume of use of the footpath outside of the application site because of the attraction of Town Park and the important pedestrian route through the park to areas beyond. The officer report did note that this concern could potentially be overcome by condition to secure adequate visibility splays.
- 6.5.3. The existing vehicular access serving No.36 has been widened in accordance with application reference P12-02849PLA and a carriage drive has been formed. It should be noted that the access was not extended towards Town Park, which is located approximately 20m distant. In order for the access to be a safety concern, visibility around the vehicular access would need to fall below the splays specified in the most recent highway safety guidance contained in Manual for Streets. The guidance confirms that consideration needs to be given to frequency of vehicle movements, the speed and volume of traffic, the amount of pedestrian activity, and the width of the footway, before judging that visibility splays need to be provided.
- 6.5.4. With regard to site specific conditions, low vehicle movements and pedestrian activity mean visibility splays are not essential. The access can only be used by one vehicle at a time as it only provides the space for one vehicle; it isn't an access to a larger car park, and although the park will generate pedestrian activity it is not the only access to the park, so pedestrian activity will be spread out around the other access points. On this basis, defined visibility splays are not considered essential and the guidance would be more applicable to a town centre location with a high level of footfall.
- 6.5.5. Notwithstanding the above, visibility splays can still be achieved due to the elevated position of any vehicle on the hard standing and the straight geometry of Walsingham Road along both sides of the access. The required dimensions of the minimum visibility splays are taken from the Council's '*Revised Technical Guidelines 2013*', which requires a splay of 2.0m either side of the access from a 2.0m point taken from the back of the centre crossover. The splay should be from above 0.60m. The drawings clearly show that the existing dwarf boundary wall of the embankment will be retained but with the addition of a brick pier that rises up to approximately 0.7m in height. Whilst the height of the brick pier would not strictly accord with the recommended 0.6m, having regard to the gradient of the ground (sloping up into the site), the 0.1m difference is considered to be compensated for, thus maintaining adequate sight lines for vehicles reversing out of the site. An appropriately worded condition could be imposed to control the height of any landscaping to the front of the

property. Boundary treatments of up to 1m in height are normally permitted adjacent to a highway under Article 3 and Schedule 2, Part 2, Class A of the GPDO. It is considered appropriate, in light of the above, to impose a condition to remove this permitted development right.

- 6.5.6. In addition to drivers having a good visibility, any pedestrians would have clear sight of any vehicles reversing out of the hardstanding well in advance of the crossover location, as shown in the image below:



View towards No.36 Walsingham Road from public footpath leading towards Town Park

Parking, Traffic & Highway Safety

- 6.5.7. The provision of one space for the house is in accord with adopted standards. Whilst concerns about existing parking are noted, there is no requirement for additional spaces to be provided. Similarly, the traffic generated from the access will be minimal given that only one space is being provided, and the existing 'no parking' restrictions ensure visibility along both sides of Walsingham Road is acceptable for vehicular traffic.
- 6.5.8. The character of the area means that traffic speeds will be generally low given the almost 90 degree bend in the road, and it is not unreasonable to expect drivers to naturally take more care. This assumption is based on observations from the site, further supported by research undertaken for the Manual for Streets para 2.2.5 (2 ODPM and Home Office (2004) Safer Places: The Planning System and Crime Prevention. London: TSO). This is further supported by accident data, which shows no accidents have taken place in the last four years on Walsingham Road, despite one of the neighbouring properties having an access even closer to the park entrance (see image below) and offering poorer visibility for both pedestrians and drivers in comparison to the widened access.



View of existing access for 1a Uvedale Road, with the public path leading to Town Park entrance to the right

6.6. Housing Need

- 6.6.1. Section 6 of the NPPF (Delivering a wide choice of high quality homes) provides guidance on housing delivery and the quality and location of new houses. Paragraph 47 of the NPPF aims to “boost significantly the supply of housing” through the use of an evidence base and an annually updated supply of specific deliverable sites with a 5% buffer. Paragraph 48 confirms that local planning authorities should make allowance for windfall sites in the five-year supply if there is compelling evidence that such sites have consistently become available, although it is advised that this should not include residential gardens. Housing applications are to be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (para.49). Paragraph 53 advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
- 6.6.2. The Core Strategy seeks to ensure new developments offer a range of housing sizes to meet housing need. In particular, it seeks to ensure that with regard to market housing, 45% are 3+bedroom houses and 20% is 4+bedroom houses. The Core Strategy policy is based on evidence from the research undertaken by Ecotec.
- 6.6.3. The findings of Ecotec’s research, Enfield Strategic Housing Market Assessment (February 2010), demonstrates a shortage of houses of all sizes, particularly houses with 3+bedrooms across owner occupier, social and private rented sectors. The greatest requirement in the owner occupied market housing sector is for family sized housing.
- 6.6.4. The earlier findings of Fordham’s Research, Enfield Council Housing Study (September 2005) corroborate Ecotec’s findings. The research showed there was an

absolute shortage of four bedroom properties in the owner occupied sector, which is unique to that sector. The report modelled the potential demand and supply for different sized properties from 2003-2011 and found the greatest relative shortfall is for three or more bedroom properties for owner occupation. This is confirmed with data in the Monitoring Report and Housing Trajectory 2015 ("Monitoring Report") which was reported to the Local Plan Cabinet Sub-Committee on 3 March 2016.

- 6.6.5. The Monitoring Report confirms that in 2014/15, new 3+ bedroom houses accounted for 23% of provision when Core Policy 5 and DMD3 seek 65%. The proposed development will provide for a 4-bed dwelling, which, having regard to the Housing Study and the more recent Monitoring Report, is identified as being a type of greatest need.
- 6.6.6. With regard to development on garden land, policy DMD7 has a presumption against development on garden land unless the criteria contained within the policy are met. As discussed above, the scheme is considered to satisfy the criteria to permit this garden land development.
- 6.6.7. In relation to housing supply, the London Plan 2011 housing target was originally planned to cover a 10 year period from 2011/12 to 2020/21 and required Enfield to provide 5,600 additional dwellings, some 560 per year (the previous target from 2006/07 to 2016/17 was 3,950 additional dwellings). The most recent housing trajectory report, confirms that since 2012, there has been a cumulative shortfall in housing delivery versus the annual target of 560, with the cumulative shortfall for the year 2015/16 being 164 dwellings. The borough must identify a supply over the next five years (2016/17 to 2020/21) of 4,190 (798 per annum plus the 5% buffer).
- 6.6.8. Having regard to the above, whilst sufficient land has been identified to meet with the Council's housing targets, the policy requirement is not to just meet with the target but to exceed it (policy 3.3, London Plan). Although the development would only result in one additional dwelling, the development will contribute in helping the Council to exceed its identified housing target. Moreover, the proposed dwelling is of a size for which there is an identified shortfall.

6.7. Sustainable Design and Construction

BREEAM / Code for Sustainable Homes

- 6.7.1. A written ministerial statement ("WMS") in March 2015 confirmed the withdrawal of the code for sustainable homes. Although the applicant had submitted information to demonstrate compliance with the code, it is no longer necessary for a planning assessment to be made with respect to this element.

Biodiversity / Ecology

- 6.7.2. A Phase 1 Habitat Survey undertaken in March 2014 established that there was negligible ecological value at the site and therefore there were no ecological constraints to the proposed development. Notwithstanding this, it was recommended that any vegetation was to be cleared outside of the bird nesting season (March to August inclusive) or if clearance could not be avoided within this period, an ecologist would have to firstly confirm whether nesting birds are present.
- 6.7.3. A review of the submitted ecological survey has confirmed that its findings and conclusions remain valid. A condition will be imposed in relation to vegetation clearance.

- 6.7.4. Having regard Core Policy 36, which advises that all schemes should looking to enhance the ecological value of the respective site, a condition will be imposed to secure enhancements such as bird and bat boxes / bricks / tiles in addition to native plantings.

Energy

- 6.7.5. The development is able to exceed the minimum 8% improvement required above Building regulations. A condition will be imposed to secure this.

Drainage

- 6.7.6. The applicant should be designing a drainage strategy that ensures that any runoff is managed as close to the source as possible. This can be achieved through a variety of measures such as green roofs and sustainable urban drainage systems (SUDS). A condition will be imposed requiring the applicant to submit details of a drainage scheme which will also involve the investigation into the use of SUDS.

6.8. Viability

- 6.8.1. On 28 November 2014 a WMS was published, announcing changes to s106 planning obligations for small scale development. Paragraphs 12 to 23 of the National Planning Policy Guidance (NPPG) were amended to state that contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build developments containing 10 units or less with a gross area of no more than 1000sqm.
- 6.8.2. The position was subsequently challenged and a case was brought to the High Court by West Berkshire District Council and Reading Borough Council refuting the decision on 28 November 2014 to make alterations to national policy in respect of planning obligations for affordable housing and social infrastructure contributions and the decision on 10 February to maintain those Policy changes following the completion of an Equalities Impact Assessment (EqIA).
- 6.8.3. On 31 July 2015 Mr Justice Holgate upheld the challenge and ruled that the changes to national policy on 28 November 2014 were unlawful and contrary to the provisions of the Town and Country Planning Act 1990 (as amended) and the Planning and Compulsory Purchase Act 2004. In addition, Mr Justice Holgate ruled that the statement failed to comply with the public sector equality duty under the Equality Act 2010 and consequently failed to give due regard to all material considerations. On this basis, Mr Justice Holgate quashed the policy and subsequent changes to the NPPG. Accordingly, paragraphs 012-023 of the NPPG on planning obligations have been removed.
- 6.8.4. As the development results in the net increase of residential accommodation, the consequence of this ruling is that the provisions of Policies CP3 and CP46 of the Core Strategy and DMD2 of the Development Management Document remain applicable to the scheme as a material consideration. Therefore, contributions to accord with the S106 SPD apply in full, unless it can be demonstrated that such contributions would undermine the viability of the development as a whole.

Affordable Housing

- 6.8.5. Affordable housing is housing designed to meet the needs of households whose income is insufficient to allow them access to “decent and appropriate housing in their borough” (para.5.17 Core Strategy). Having regard to Core Policy 3, for developments of less than 10 dwellings the Council will seek a financial contribution to deliver off-site affordable housing provision based on a borough-wide target of 20%. The level of contribution is based upon the expected sales value, using comparable data where appropriate, and the formula provided within the S106 SPD.
- 6.8.6. A value of £500,000 is being used as the assumed sales value, which is supported by a covering letter from Bowyer Bryce. Applying the S106 SPD formula, the scheme should therefore be making a contribution of £43,930 towards off-site affordable housing provision in the Borough.
- 6.8.7. As discussed below at para.6.9.4, due to the scheme not being determined before 1 April 2016, consideration must be given to the Enfield CIL (£19,200.00). To contribute a further £19,200.00 would jeopardise the deliverability of the scheme, therefore in this instance, the Enfield CIL amount should be deducted from the affordable housing element. This would still result in £24,730.00 being provided towards affordable housing whilst at the same time, allow for the construction of a much needed family-sized dwelling.
- 6.8.8. Any contribution will need to be secured via a s106 Agreement.

Education

- 6.8.9. Core Policy 8 sets out the education infrastructure requirements of the borough, with the Monitoring Report confirming the increase in the number of primary (930 additional places in 2012/13, 2315 additional places in 2013/14) and secondary school places (1006 additional places 2014/15). Core Policy 46 confirms that infrastructure contributions for learning and skills facilities is one of the priorities while the supporting text at para.7.3.1 of the S106 SPD also confirms that contributions will be sought on all residential developments.
- 6.8.10. Table 7.3 of the S106 SPD confirms that a 4-bed unit should be making a contribution of £11,408.98. The applicant has confirmed that this contribution will be made and this will also need to be secured through the s106 Agreement.

6.9. Community Infrastructure Levy (CIL)

Mayoral CIL

- 6.9.1. The Mayoral CIL is collected by the Council on behalf of the Mayor of London. The amount that is sought for the scheme is calculated on the net increase of gross internal floor area multiplied by the Outer London weight of £20 together with a monthly indexation figure (274 for March 2016).
- 6.9.2. The development is CIL liable for the construction of 160sqm of new residential floor space and the CIL calculation is: $(£20/m^2 \times 160m^2 \times 274)/223 = £3,931.84$.

Enfield CIL

- 6.9.3. On 1 April 2016, the Council introduced its own CIL. The money collected from the levy (Regulation 123 Infrastructure List) will fund rail and causeway infrastructure for Meridian Water. As a result of the application not being determined prior to 1 April, the Enfield CIL must now be taken into consideration. The application of the CIL

formula, having regard to the March indexation figure (274), would therefore result in the scheme being liable for £19,200.00.

6.10. Section 106 / Legal Agreement

6.10.1. Section 106 contributions can still be sought for items of infrastructure not identified on the Regulation 123 list. A legal agreement will be required to secure the affordable housing and education contributions as set out above. A 5% monitoring fee will also be incurred as per the S106 SPD.

6.10.2. In summary, the scheme will be providing the following S106 contributions to the Council:

• Affordable Housing:	£24,730.00
• Education:	£11,408.98
• Monitoring fee:	£ 1,806.95
Total:	£37,945.93

6.10.3. Having regard to the above contributions, the proposed development would provide a sufficient level of contributions towards affordable housing, education infrastructure and associated monitoring fees and through the associated legal agreement to secure the required planning obligations, has appropriate regard to Policies 3.10, 3.11, 3.12 and 3.13 of the London Plan, Core Policies 3 & 46 of the Core Strategy, Policy DMD2 of the DMD, the associated S106 Supplementary Planning Document, and the National Planning Policy Framework.

6.10.4. In addition, the contribution towards affordable housing, whilst not explicitly stated in any supporting document as a reason to support the development, having regard to the considerations contained within Section 12 of the NPPF as outlined above and also to the guidance within the NPPG, would represent a public benefit in favour of the development because of the identified need for affordable housing in the Borough.

6.11. Other Matters Raised

Judicial Review

6.11.1. References have been made to a judicial review ("JR") of the previous decision to grant planning permission. A JR is a process whereby the lawfulness of a decision is reviewed by the Courts and if successful, the decision is quashed and the local authority is required to reconsider the application afresh. This may or may not result in the same decision being made by the local authority. The application for JR was made on 7 Grounds:

1. Breaches of duty under s.72 of the Listed Buildings Act, §70(1) & 70(2) of the T&CPA 1990 and s.38(6) of the 2004 Act;
2. Breach of Regulation 122 of the 2010 CIL Regulations;
3. A failure to have regard to material considerations;
4. A regard to irrelevant considerations;
5. The decision was Wednesbury unreasonable;
6. Lack of consultation with local residents; and
7. An unlawful consultation (Drury McPherson Report)

6.11.2. The council agreed to the quashing order on the basis of Ground 1: that in identifying any harm to the significance of the conservation area, the officer report should have made clear that it is then a matter of law that the harm is given considerable importance and weight. The report therefore fell into material error. Previously, officers were of the view that the introduction of any development where previously there had not been any, amounted to some harm. In having to reconsider the application afresh and in light of a review of relevant case law, officers have concluded that the proposed development will not lead to any harm to the significance of the conservation area.

6.11.3. The JR did not, as has been incorrectly stated, “reject” the council’s decision on all 7 grounds. The council did not accept Grounds 2-7 and the Judge did not consider Grounds 2-7 on the basis of Ground 1 being conceded.

6.11.4. In relation to Grounds 2-7, where necessary, these are addressed above.

Miscellaneous

6.11.5. It has always been a key principle of decision making that the determination of any planning application is made in accordance with the development plan unless material considerations indicate otherwise. Although the majority of the development site is on land, which for historical reasons, is within the conservation area, this does not preclude development from taking place. As outlined above, it is considered that no harm arises to the significance of this sub-area of the conservation area or even to the conservation area as a whole.

6.11.6. The development of garden land is permitted under current planning policy, subject to satisfying the criteria of DMD8. It is considered that the development adequately demonstrates compliance with the policy.

6.11.7. In relation to the access points that have been constructed, one of which (the “existing”) is a widened vehicular crossing and the second, near to the boundary with 36A Walsingham Road, these do not normally require planning permission as they can be constructed under permitted development rights due to their location on a non-classified road, by virtue of Article 3, Schedule 2 and Part 2, Class B of the General Permitted Development Order 2015 (as amended).

6.11.8. Whilst the access points did form part of the 2013 permission, that permission, and any conditions attached, would only take effect from the commencement of development. Construction of the widened and new vehicular crossings was undertaken on 9 January 2014 and commencement works in relation to the approved extensions occurred on 17 February 2014, therefore the works were not undertaken pursuant to the planning permission but as permitted development. For clarity, the southern point of access was amended at the request of the Highway Services to ensure there was no conflict with existing underground services. Notwithstanding, and as the application as originally submitted showed the access points in the wrong position, the plans were amended to correct this.

6.11.9. All relevant planning conditions attached to the 2012 planning permission (P12-02849PLA) were discharged on 20 October 2013 to the satisfaction of the Local Planning Authority.

7. Conclusion

- 7.1.** It is considered that this isolated site itself does not contribute to the significance of the conservation area or to the New Town sub-area because it cannot be experienced from within any part of the conservation area. The development is considered to not lead to any harm or to a loss of significance to the identified heritage asset. Whilst the proposed dwelling would mostly be sited on an area of garden land within the conservation area, the gardens of the Essex Road properties and views into them from Essex Road, Walsingham Road and Uvedale Road are not harmed. The development proposal continues to conserve and enhance the setting of the conservation area. This is a view that has been supported through independent heritage advice and by Council's Conservation Officer.
- 7.2.** It has been concluded that the development proposal will not result in any harm to the significance of the conservation area and its sub-area. As such, it is not necessary to identify any public benefits to outweigh the harm. Nevertheless, the provision of a new family dwelling, for which there is an evidenced need and a contribution towards affordable housing, again for which there is an evidenced need, are benefits which do arise from the scheme.
- 7.3.** Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and related guidance provide important material considerations to be considered in the planning decision making process.
- 7.4.** Having regard to the statutory requirement to give special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (s.72), and to all other material planning considerations, it is considered that on balance, planning permission should be granted for the following reasons:
1. The proposed development, due to its design, size and siting, will not lead to any harm or to a loss of significance to the Enfield Town Conservation Area sub-area the "New Town" or to the conservation area as a whole and will preserve the special character and setting of the designated heritage asset having regard to Policy 7.8 of The London Plan, Core Policy 31 of the Core Strategy, DMD Policy 44 of the Development Management Document, and with guidance contained within the National Planning Policy Framework (in particular section 12).
 2. The proposed development would contribute to increasing London's supply of housing and assist in meeting with the provision of family housing within the Borough, having regard to Policies 3.3 & 3.4 of The London Plan, Core Policies 2 and 4 of the Core Strategy, and with guidance contained within the National Planning Policy Framework (in particular section 6).
 3. The proposed development due to its design, size and siting, does not detract from the character and appearance of the street scene or the surrounding area having regard to Policies 3.5, 7.1, 7.4 & 7.6 of the London Plan, Core Policy 30 of the Core Strategy, DMD Policies 7, 8, 9 and 10 of the Development Management Document, and with guidance contained within the National Planning Policy Framework (in particular section 7).
 4. The proposed development due to its design, size and siting, does not unduly harm the existing amenities of the occupiers of adjoining properties in terms of loss of light, outlook or privacy and in this respect complies with Policy 7.6 of the London Plan, Core Policy 30, DMD Policy 10 of the Development Management Document, and with guidance contained within the National Planning Policy Framework (in particular section 7).

5. Having regard to conditions attached to this permission, the proposal makes appropriate provision for access and parking, including cycle parking and visibility splays, and in this respect complies with Policies 6.3, 6.9, 6.12 & 6.13 of the London Plan, DMD Policies 45 and 47 of the Development Management Document, and with guidance contained within the National Planning Policy Framework (in particular section 4).
6. The proposed development, by virtue of measures proposed and conditions imposed, will contribute to the mitigation of and adaptation to climate change, having regard to Policies 5.1, 5.2, 5.3, 5.7, 5.8, 5.9, 5.10 & 5.13 of the London Plan, Core Policy 32, DMD Policies 51, 53, 58, 59 and 61 of the Development Management Document, and with guidance contained within the National Planning Policy Framework (in particular section 10).

8. Recommendation

- 8.1. That subject to the completion of a S106 Agreement to secure the obligations as set out above, the Head of Development Management / the Planning Decisions Manager be authorised to **GRANT** planning permission subject to the following conditions:

1. C61 Approved Plans – Revised
Unless otherwise required by any condition attached to this permission, 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.

Reason: In the interest of proper planning and for the avoidance of doubt.
2. C51A Time Limited Permission
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. NSC1 Fenestration
Notwithstanding any submitted plan or supporting documentation, fenestration to be used throughout the development hereby approved shall be in timber, with joinery details (1:20 and 1:5 sections) being provided to the Local Planning Authority for approval in writing. The fenestration shall be installed in accordance with the approved details and they shall not be altered without the prior written approval of the Local Planning Authority.

Reason: Having regard to the setting of the Enfield Town Conservation Area.
4. C24 Obscure Glazing
Notwithstanding the submitted plans, the glazing to be installed in the first floor flank elevation of the development indicated on drawing No.KF-001-14/B shall be in sandblasted glass and fixed shut up to a

minimum height of 1.7m above finished floor level. The glazing shall not be altered without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties and to ensure an adequate appearance having regard to the surrounding conservation area.

5. C25 No Additional Fenestration
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no external windows or doors other than those indicated on the approved drawings shall be installed in the development hereby approved without the approval in writing of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

6. C08 Details of Materials
Notwithstanding any submitted plan or supporting documentation, the development shall not commence until details of the external finishing materials have been submitted to the Local Planning Authority and approved in writing. The submitted detail shall include:
- a. Brick type
 - b. Details of bonding and mortar

The development shall be carried out in accordance with the approved detail.

Reason: Having regard to the setting of the Enfield Town Conservation Area.

7. C09 Details of Hard Surfacing
The development shall not commence until details of the surfacing materials to be used within the development, not including the hard surfacing already approved for the driveway, but including footpaths, have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be carried out in accordance with the approved detail before the development is occupied.

Reason: To ensure that the development does not prejudice highway safety and to ensure a satisfactory appearance.

8. NC2 Front Boundary Wall
The front boundary wall and piers shall not be higher than 0.7m in height.

Reason: In the interest of highway safety.

9. C16 Private Vehicles Only – Garage / Parking Areas
The garage and parking areas to be provided shall be kept available for the parking of private motor vehicles at all times. The garage / parking areas shall be used solely for the benefit of the occupants of

the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that the development complies with adopted Policy and to prevent the introduction of activity that would be detrimental to visual and residential amenity.

10. C17

Details of Landscaping

Prior to occupation full details of soft landscape proposals shall be submitted to the Local Planning Authority for approval in writing. The details shall include:

- a. Planting plans
- b. Written specifications (including cultivation and other operations associated with plant and grass establishment)
- c. Schedules of plants and trees, to include native and wildlife friendly species and large canopy trees in appropriate locations and plantings that would not interfere with vehicular sightlines (noting species, planting sizes and proposed numbers / densities)
- d. Implementation timetables.
- e. Wildlife friendly plants and trees of local or national provenance
- f. Specifications for fencing demonstrating how hedgehogs and other wildlife will be able to continue to travel across the site (gaps in appropriate places at the bottom of the fences)

The landscaping shall be provided in accordance with the approved details prior to first occupation.

Reason: To ensure the provision of amenity, and biodiversity enhancements, afforded by appropriate landscape design in accordance with adopted policy, and to ensure highway safety.

11. C19

Details of Refuse Storage & Recycling Facilities

Within three months of commencement of the development, details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the London Borough of Enfield – Waste and Recycling Planning Storage Guidance ENV 08/162, shall be submitted to the Local Planning Authority for approved in writing. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.

Reason: In the interest of amenity and the recycling of waste materials in support of the Boroughs waste reduction targets and having regard to visual amenity.

12. NSC3

Energy

The energy efficiency of the development shall provide for no less than a 8% improvement in the total CO₂ emissions arising from the operation of the development and its services over Part L of Building Regs 2013 as the baseline measure. Prior to first occupation, confirmation shall be provided to the Local Planning Authority.

Reason: To ensure that the development meets or exceeds the energy efficiency and sustainable development policy requirements of the London Plan and the Core Strategy.

13. NSC4

SUDS 1

No development shall take place until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage (SUDS) scheme, in accordance with the principles of sustainable drainage systems set out in national planning policy guidance and statements, and the results of that assessment have been provided to the Local Planning Authority. The assessment shall take into account the design storm period and intensity (1 in 100 and 1 in 1 year storm events); methods to delay and control the surface water discharged from the site; and measures to prevent pollution of the receiving groundwater and/or surface waters.

Reason: To ensure that the proposal would not result in an unacceptable risk of flooding from surface water run-off or create an unacceptable risk of flooding elsewhere.

14. NSC5

SUDS 2

Surface water drainage works shall be carried out in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority before the development commences. Those details shall include a programme for implementing the works. Where, in the light of the assessment required by the above condition, the Local Planning Authority concludes that a SUDS scheme should be implemented, details of the works shall specify:

- a. a management and maintenance plan, for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime; and
- b. the responsibilities of each party for implementation of the SUDS scheme, together with a timetable for that implementation.

Reason: To ensure implementation and adequate maintenance to ensure that the proposal would not result in an unacceptable risk of flooding from surface water run-off or create an unacceptable risk of flooding elsewhere.

15. C59

Details of cycle storage

Within three months of commencement of the development, details (including elevational details) for covered cycle parking for the storage of a minimum of 2 bicycles shall be submitted to the Local Planning Authority for approved in writing. The approved cycle storage shall be provided prior to first occupation of the development and permanently maintained, kept free from obstruction, and available for the parking of cycles only.

Reason: To provide secure cycle storage facilities free from obstruction in the interest of promoting sustainable travel.

16. NSC6

Tree / Shrub Clearance

All areas of trees, hedges, scrub or similar vegetation where birds may nest which are to be removed as part of the development, are to be cleared outside the bird-nesting season (March to August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.

Reason: To ensure that wildlife is not adversely impacted by the proposed development in accordance with national wildlife legislation and in line with CP36 of the Core Strategy. Nesting birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

17. NSC7 Arboricultural
All tree works as detailed within the BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement shall be undertaken in accordance with good arboricultural practice and British Standard 3998: 2010 Recommendations for Tree Work.
- Reason: In order to maintain the tree(s) amenity value and health.
18. NSC8 Tree Protection
Tree protection measures and works in proximity to retained trees, within the site and on adjacent sites, shall be undertaken in accordance with the details as set out in the BS5837 Tree Survey, Arboricultural Impact Assessment and Method Statement. There shall be no deviation from the approved measures without the prior written approval of the Local Planning Authority.
- Reason: In the interest of visual amenity having regard to the setting of the Enfield Town Conservation Area and in the interest of preserving the health of retained trees.
19. NSC9 Biodiversity Enhancements
Prior to occupation of the development, 3 bat boxes and 3 bird boxes are to be installed on and around the new building under the supervision of a suitably qualified ecologist. A brief letter report confirming that the boxes have been installed, including a simple plan showing the location and type of boxes, is to be submitted to the Council within 3 months of installation.
- Reason: To ensure that the ecological value of the site is enhanced post development in line with CP36 of the Core Strategy.
20. NSC10 Restriction of PD - Front Boundary Enclosure
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no walls, fences, gates or any other means of enclosure, including piers, shall be erected on any part of the site lying between any wall of buildings fronting a highway and the highway boundary, without the prior approval in writing of the Local Planning Authority.

Reason: To ensure a satisfactory appearance and in the interests of maintaining adequate visibility splays having regard to highway safety.

21. NSC11 Restriction of PD – Extensions and Outbuildings
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no buildings or extensions to buildings shall be erected, other than those expressly authorised by this permission, without the prior approval in writing of the Local Planning Authority.

Reason: In the interest of preserving garden land which is identified as being of importance within the Enfield Town Conservation Area.

22. NSC12 Archaeology
The developer shall notify the Greater London Archaeology Advisory Service of the start of groundworks no less than two weeks before commencement and permit access by the Enfield Archaeological Society, at any reasonable time to be agreed between the applicant and the Enfield Archaeological Society, to monitor the development and record features of interest.

Reason: To enable the recording of any features of archaeological interest.

23. NSC13 Construction Methodology
That development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain:

- a. a photographic condition survey of the roads, footways and verges leading to the site;
- b. arrangements for the loading, unloading and turning of delivery, construction and service vehicles clear of the highway;
- c. arrangements for wheel cleaning;
- d. arrangements for the storage of materials;
- e. hours of work;
- f. arrangements for the securing of the site during construction;
- g. A construction management plan written in accordance with the 'London Best Practice Guidance: The control of dust and emission from construction and demolition'.

The development shall be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the implementation of the development does not lead to damage to the existing highway and to minimise disruption to neighbouring properties and the environment.



REVISION	DATE	REMARK
B	MARCH 2014	Width of building reduced to increase boundary separation Add parking and crossover dimensions

PROPOSED: 4 BEDROOM DETACHED HOUSE

SITE: Land adjacent to: P13-03636 PLA
36 WALSINGHAM ROAD
ENFIELD,
MIDDLESEX
EN2 6EY

CLIENT: Mr & Mrs K. FITZGERALD

DRAWING SCALE: PROPOSED SITE BLOCK PLAN 1:100

DATE: MARCH 2014

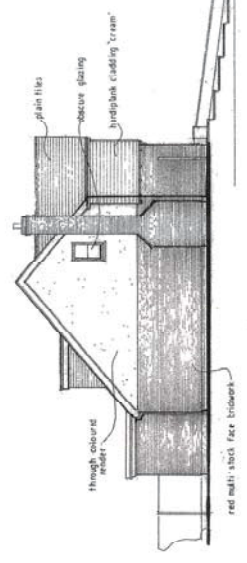
DRAWING No / Revision: KF-002 - 14 / 8



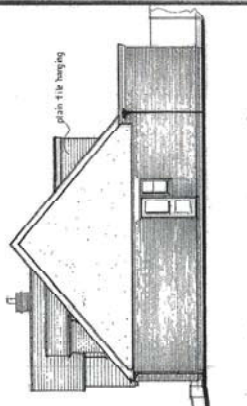
Proposed Elevations 1:100



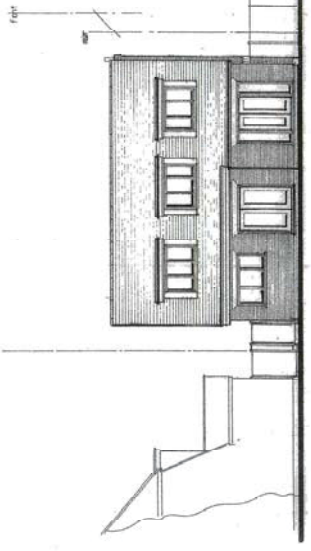
front west



side north



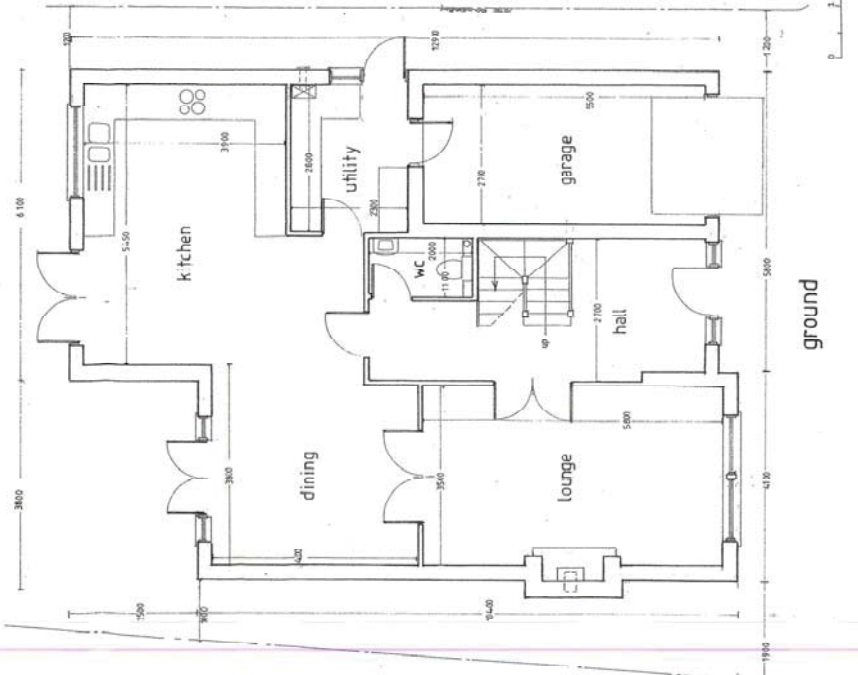
side south



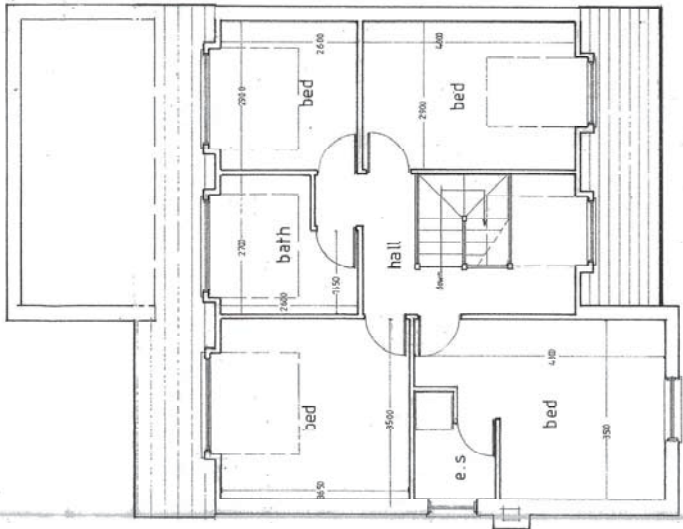
rear east

Revised Plans Received 01/04/2014

Proposed Floor Plans 1:50



ground



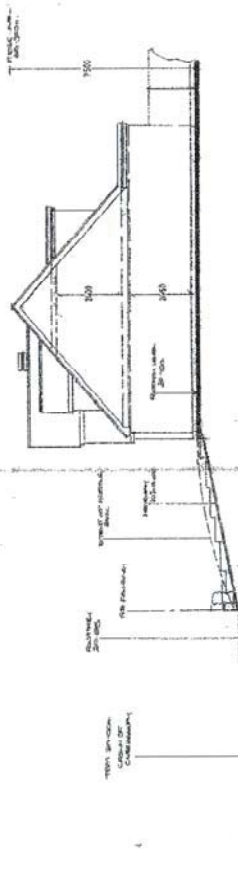
first

All dimensions to be checked on site.			
REVISION	DATE	REMARKS	
8	March 2014	Width of building reduced to increase boundary separation	
PROPOSED: 4 BEDROOM DETACHED HOUSE			
SITE: Land adjacent to: 38 WALSHINGHAM ROAD, ENFIELD, MIDDLESEX EN9 6EY			
CLIENT: Mr Mrs K. FITZGERALD			
DRAWING SCALE: PROPOSED ELEVATIONS 1:100 PROPOSED FLOOR PLANS 1:50			
Original drawing format @ A1			
DATE:	DRAWING No. / Revision		
MARCH 2014	K5-001 - 14 / B		





Street Scene Elevations 1:100



Site Section 1:100

REVISION	DATE	REMARK
B	March 2014	With it Building reduced to increase boundary separation for the proposed driveway. Change from floor
<p>PROPOSED: 4 BEDROOM DETACHED HOUSE</p>		
<p>SITE: Land adjacent to P13-03636/2A 36 WALSHINGHAM ROAD ENFIELD, MIDDLESEX EN2 6EY</p>		
<p>CLIENT: Mr & Mrs K. FITZGERALD</p>		
<p>DRAWING SCALE: PROPOSED SITE SECTION 1:100 PROPOSED STREET SCENE ELEVATION 1:100</p>		
DATE	MARCH 2014	DRAWING No / Revision KF-003 - 14 / B

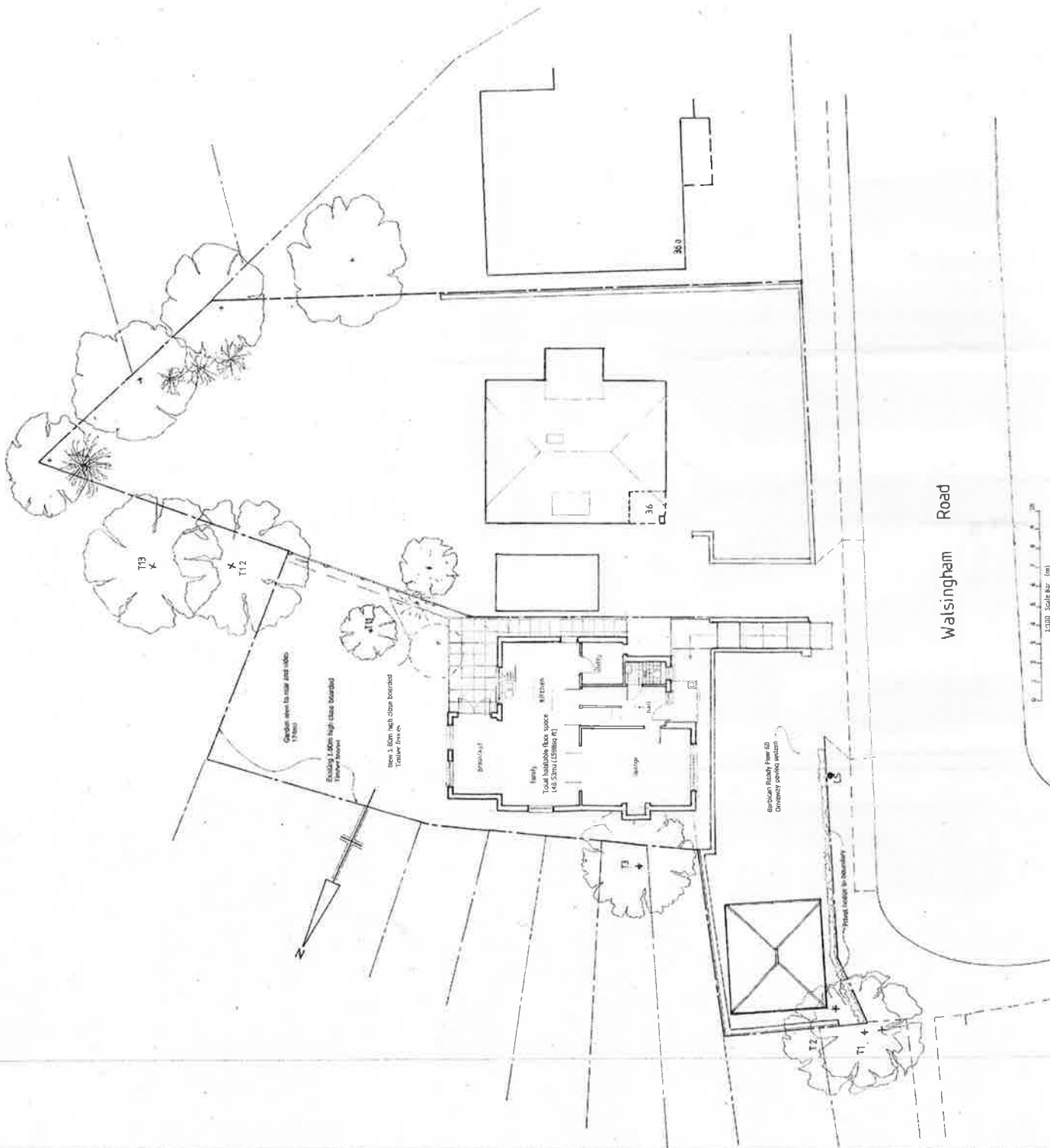


APPENDIX 1

PLANS OF REFUSED SCHEME: REFERENCE TP/10/0818

TP/00/0818

Proposed Site Block Plan 1:100



REVISION		DATE	REMARK
A		May 2010	Prepared for Planning & Building Control Applications

Prepared by: [Name]

PROPOSED: 4 BEDROOM DETACHED HOUSE & DETACHED GARAGE

SITE: Land adjacent to:
36 WALSINGHAM ROAD,
ENFIELD,
MIDDLESEX,
EN2 8EY

CLIENT: Mr & Mrs K. FITZGERALD

DRAWING SCALE: PROPOSED SITE BLOCK PLAN 1:100

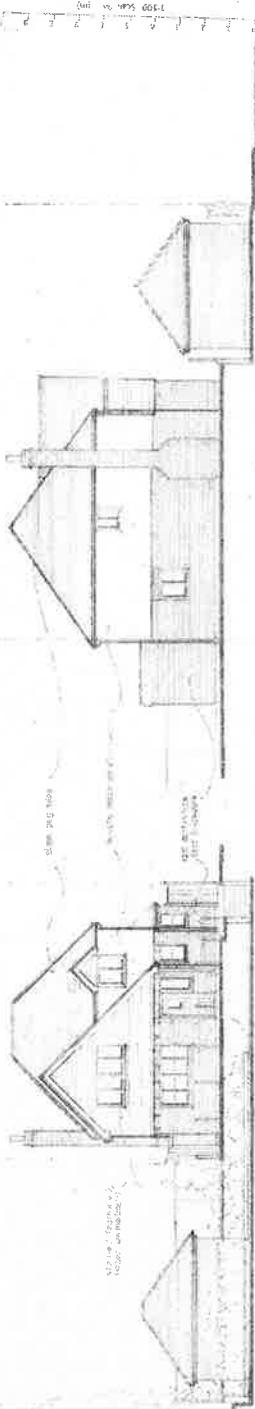
Original Drawing format: A1

DATE: MAY 2010

DRAWING No. / Revision: KF-004 - 10 / A

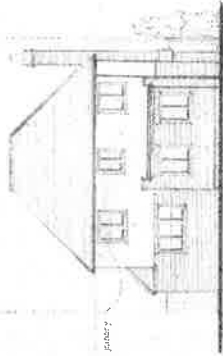


Proposed Elevations 1:100

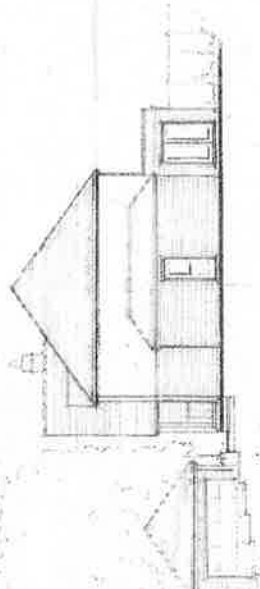


front west

side north



rear east



side south

RECEIVED
SEP 17 10
MUNICIPALITY

IP 10 1032
Revised Additional Drawing
Received 4/1/10
Under cover of 4/24/10
Dated 3/19/10

Approved by the Client

PERSON	DATE	APPROVAL
	September 2010	Proposed for Planning & Building Control Applications Ref: 10/1032/10

PROPOSED: 4 BEDROOM DETACHED HOUSE & DETACHED GARAGE

SITE:
Land adjacent to:
38 WALSHSTAM ROAD
ENFIELD
MIDDLESEX
EN2 8EY


CLIENT: MR & MRS K. FITZGERALD

DRAWING SCALE: PROPOSED ELEVATIONS 1:100

Drawn by: Mr. M. J. O'Connell

DATE: SEPTEMBER 2010

DRAWING NO. 10/1032-10-6



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