

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 25th January 2010

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
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Ward:
Cockfosters

Application Number : TP/10/0977

Category: Dwellings

LOCATION: THE COTTAGE, 17, GAMES ROAD, BARNET, EN4 9HN

PROPOSAL: Redevelopment of site to provide 7 residential units comprising a part 2, part 3-storey block of 5 x 2-bed flats and 1 x 4-bed attached house and a detached garage block with a 2-bed self contained flat over.

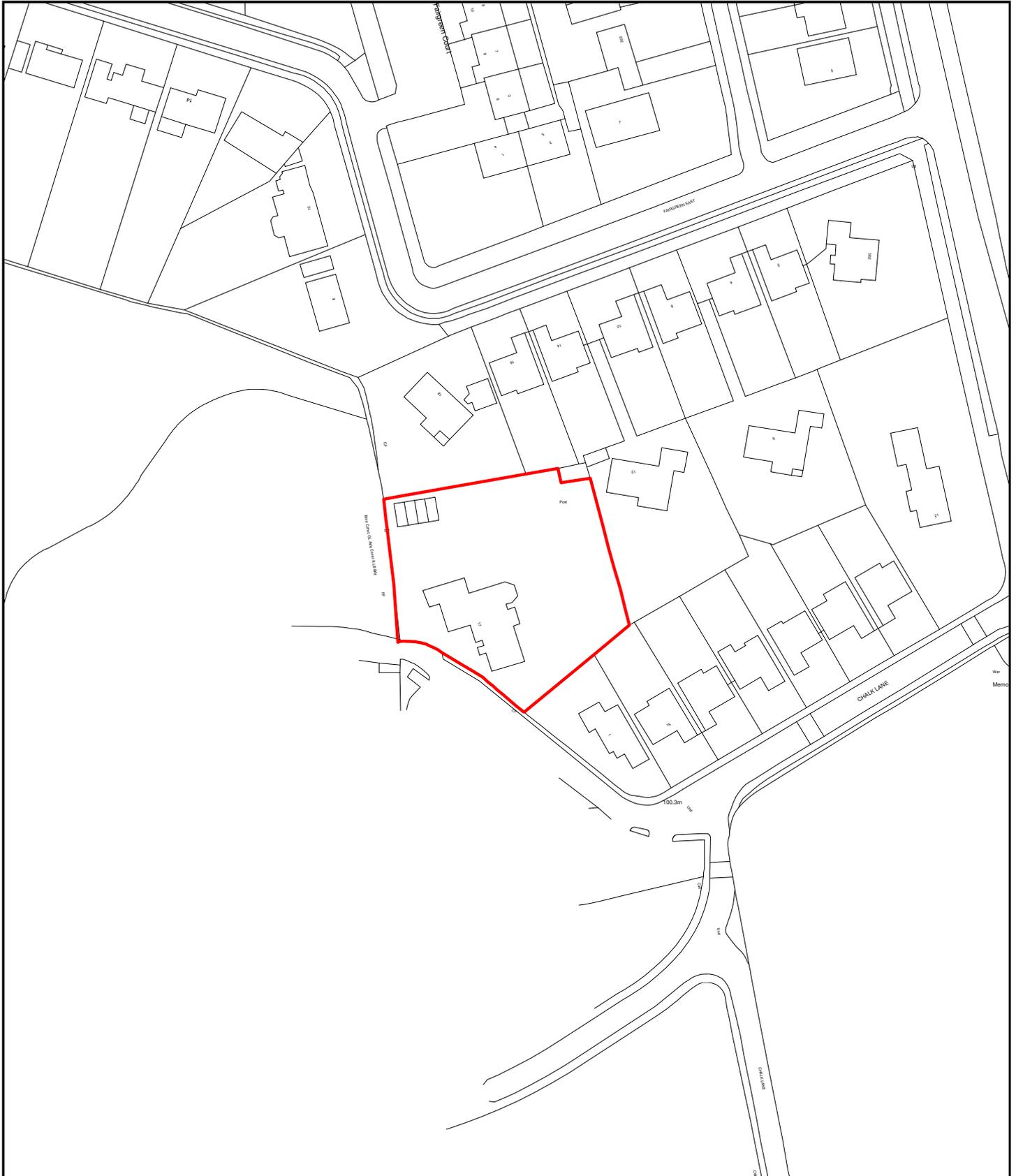
Applicant Name & Address:

Mr Neil Cottrell,
Banner Homes Ltd
Riverside House,
Holtspur Lane,
Woodburn Mews,
Bucks,
HP10 0TJ

Agent Name & Address:

RECOMMENDATION:

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



Development Control



Scale - 1:1250
Time of plot: 13:08

Date of plot: 11/01/2011

1 Site and Surroundings

- 1.1 The application site is located on the north-east side of Games Road and comprises a two-storey detached property that has been converted to four flats. The site is located within the Trent Park Conservation Area. There are a number of trees within the gardens of the property, and towards the site boundary, although none are the subject of a Tree Preservation Order.
- 1.2 The Borough boundary runs along Games Road meaning that the land and properties to the south and south west of the site are located within the London Borough of Barnet.

2 Proposal

- 2.1 This application proposes the demolition of the existing building and the erection in its place of a new part 2, part 3 storey building providing 5 x 2 bed flats and 1 x 4 bed attached house, together with the erection of detached garage block (5 garages) with a two bedroom self-contained flat over. Access to the site remains as existing from Games Road, although widened. A total of 7 parking spaces are proposed, 5 garages and 2 open parking spaces. There is space for a further car to park in front of each garage space.

3 Relevant Planning Decisions

- 3.1 TP/09/0221 Planning permission refused for the redevelopment of site to provide 7 residential units involving a 2-storey block with rooms in roof and front and rear balconies to first and second floor incorporating 5 x 3-bed self contained flats and 1 x 3-bed attached dwelling with garage and a detached building comprising 5 garages at ground floor and a 2-bed self contained flat within roof space involving front, rear and side gable ends.
- 3.2 TP/09/1701 Planning permission refused for the redevelopment of site involving demolition of existing building to provide 7 residential units comprising a part 2, part 3-storey block of 5 x 2-bed flats and 1 x 3-bed attached house and a detached garage block with a 2-bed self contained flat over for the following reasons:
 - 1 The proposed development, by reason of its size, scale, bulk and massing will be dominant and overbearing in the street scene detrimental to the character and appearance of this part of the Trent Park Conservation Area. In this respect the development is contrary to Policies (I)C1, (II)C28, (II)C30, (I)GD1, (I)GD2 and (II)GD3 of the Unitary Development Plan.
 - 2 The proposed development, having regard to its size and scale would be dominant and overbearing when viewed from No.1 Games Road detrimental to the amenities of the occupiers of the property. In this respect the development would be contrary to Policies (I)GD1, (I)GD2 and (II)H8 of the Unitary Development Plan.
 - 3 The proposed Coach House, having regard to its size and siting would be dominant and overbearing when viewed from No.18 Fairgreen East and would result in overlooking and loss of privacy for the occupiers of Nos. 16 and 18 Fairgreen East, detrimental to the amenities of the occupiers. In this respect the development would be contrary to Policies (I)GD1, (I)GD2 and (II)H8 of the Unitary Development Plan.

3.3 The associated application for Conservation Area Consent (CAC/09/0015) was also refused for the following reason:

1 In the absence of an acceptable scheme for the redevelopment of the site, the demolition of No 17 Games Road, within the Trent Park Conservation Area is considered premature and would represent an act harmful to the established amenities and environment of the area, contrary to the advice contained in PPS 5 'Planning for the Historic Environment' and to Policies (I)C1 and (II)C26 of the Unitary Development Plan.

3.4 An appeal was lodged against the refusal of both applications. Whilst the appeals were dismissed, the Inspector commented as follows:

"I am aware that the existing house has a history in that it was the home of Captain Lightoller DSC. However, from the evidence before me, I am not convinced that there is anything of particular historical significance about the house itself. The fact that Captain Lightoller used to live there could be commemorated in some other way and in my view does not provide an overriding reason to require the retention of the house.

"I consider that the house and proposed coach-house would sit satisfactorily on the site and the wider area and would complement the area at least as much as the existing house does now. I conclude that the proposal would preserve the character and appearance of the Conservation Area and would comply with saved Policies (I)C1, (II)C30, (I)GD1, (I)GD2 and (II)GD3 of the London Borough of Enfield Unitary Development Plan."

3.5 The Inspector went on to consider the impact of the proposed development on the amenities of the occupiers of adjoining properties in terms of light, outlook and privacy. He concluded that the main building would have no undue impact in these respects. However, he commented:

"The appeal proposal also involves the erection of a two storey coach-house building in the north-western corner of the site. It would be constructed at a slight angle to the boundary with the rear garden of 18 Fairgreen East and would as a result be between 4 and 6 metres from that boundary. This coach-house would have a rear elevation facing No.18 of a blank wall nearly 18 metres long and nearly 5 metres high. Above that, a pitched roof would slope back away from the site boundary, bringing the total height of the building to over 6.5 metres.

"I saw on my site visit that No.18 has rooms at the rear, a rear garden and a sitting-out area that currently benefit from an outlook over the appeal site. There is a tree on the appeal site, close to the common boundary, which could be retained. However, it has a fairly high crown and would do little to screen views of the coach-house. I appreciate that the proposed coach-house has been made lower, and is further away from the boundary, than in a previous scheme that was refused permission. However, it is my view that the construction of a structure of the height and width proposed, between 4 and 6 metres from the boundary, would appear unduly overbearing when seen from the rear rooms, sitting-out area and rear garden of 18 Fairgreen East"

- 3.6 The Inspector also commented on issues of privacy but considered that, save for the need for a condition should permission be granted to require a privacy screen to the balcony to balcony on the east facing elevation of the coach-house, the building as designed and positioned would not result in unreasonable overlooking.
- 3.7 The Conservation Area Consent appeal was dismissed on the basis that demolition in the absence of an acceptable scheme would leave a vacant site that would not preserve or enhance the character or appearance of the Conservation Area.

4 Consultations

4.1 Statutory and non-statutory consultees

- 4.1.1 Duchy of Lancaster have no observations to make concerning the proposed development
- 4.1.2 EDF Energy advises that the development is in close proximity to a substation and advise that the distance between buildings and sub-stations should be more than 7m and buildings should be designed so that rooms of high occupancy i.e. bedrooms and living rooms do not overlook or have windows opening out over the substation. The proposed building is in excess of 13m from the sub-station.
- 4.1.3 London Borough of Barnet have not provided formal comments on this application but have previously raised no objections to the proposed development.
- 4.1.4 Traffic and Transportation comment that although the site has a PTAL rating of 2, it is within reasonable walking distance of public transport facilities and the centre of Cockfosters. Pedestrian routes to and within the site are acceptable and cycle routes are provided nearby. Therefore, the site is considered to be accessible by modes of transport other than the private car.

The vehicular access into the site is via the existing access, which is to be widened by some 3m to provide a 7m wide access leading to a 4.8m wide access road. The use of the existing access and the proposed layout is considered acceptable.

As no formal footways are provided, it is assumed that the internal access road will be shared use. As a result, it is important that proper pedestrian inter-visibility splays from the proposed access road can be achieved and are provided. It is considered that this can be provided through the provision of appropriate boundary treatments and as a result, this matter could be dealt with by condition.

Whilst a width of 3m would be desirable for each garage, it is considered that the dimensions of the proposed garages (2.75m x 5.7m) would be sufficient to meet modern day standards for an average sized car. Therefore the garages can be included within the overall proposed parking provision of 1 space per dwelling, which is acceptable in accordance with London Plan standards. As with the previous scheme there is sufficient space at the front of the garages for vehicles to park without obstructing access. Although this was not raised as an issue in the previous scheme, it is noted that the forecourt area in the

current scheme appears to be of the same surface material as the two uncovered formal spaces. This arrangement could give the impression that formal parking to the front of the garages is also available for residents resulting in a potential overall parking provision within the site of 12 spaces, which would exceed London Plan standards.

No provision is made for refuse storage or cycle parking although this matter can be addressed through a condition, there being adequate capacity on site.

In conclusion it is considered that the proposed development has addressed the previous highways and transportation reasons for refusal.

4.2 Public

4.2.1 Consultation letters have been sent to the occupiers of 36 adjoining and nearby properties. In addition, the application has been advertised on site and in the local press. Twelve letters of objection have been received, including letters from the Chalk Lane Area Residents Association, the Trent Park Conservation Committee, The Monken Hadley Common and Monken Hadley and Wood Street Conservation Area Advisory Committee. The objections raised can be summarised as:

- the existing building is one of the oldest in Cockfosters and fits harmoniously into its immediate surroundings
- the property was home to Commander Charles Lightoller, 2nd Officer of the Titanic and the most senior survivor
- out of keeping with the local area, much larger than the existing building
- sprawls across the entire width of the site
- volume approximately 2.5 times that of the present building
- 3 storeys in place, will obscure various views and the vista from surrounding land and properties, as well as dominate surrounding residential properties
- It is a mixture of rendered and non-rendered brickwork, a device used to disguise and break up the true monolithic size of structure
- The development would not preserve or enhance the character or appearance of the conservation area
- The application lacks a heritage assessment in accordance with the advice contained in PPS5
- The deterioration of the existing building is superficial and its condition would appear to be the result of wilful and constructive neglect
- Overlooking and loss of privacy
- loss of attractive and green gardens which would impact on local wildlife
- lack of car parking this will lead to overspill parking on street causing sever problems
- removal of the hedge
- lack of proper protection for trees and those on adjoining land
- the changes to the development since the previous refusal are insignificant
- the mass of the coach house is unchanged and would loom large in relation to adjoining properties
- overshadow the low level cottages opposite

- substantial loss of mature trees and shrubs that presently screen the existing building
- changes in PPS3 remove garden land such as this from the definition of brownfield sites
- risk of damage to the listed gates in Games Road by construction vehicles
- the existing brick boundary wall to Monken Hadley Common should be retained
- loss of light

4.2.2 Following the receipt of the appeal decision referred to above, revised plans have been received modifying the height and width of the proposed 'coach-house'. Following further consultation on these revised plans a further 5 letters of objection have been received reiterating many of the above concerns but also raising the following issues:

- The changes to the plans are insubstantial and would not appreciably reduce the height and mass of the building.
- The garage block should be single storey with no first floor accommodation.
- Proper protection should be given for trees on this site and in adjacent gardens during construction.
- The landscaping scheme proposed to the boundary with Nos 16 & 18 Fairgreen East is inadequate with unsuitable species.
- Landscaping should be provided to the boundary with No.1 Games Road.
- The height of the hedge to the Games Road frontage should be maintained
- The windows to the south elevation of the building should be permanently restricted so they are fixed and obscure glazed.
- External lighting should be restricted across the site to safeguard neighbours amenities and wildlife
- Need to be satisfied that the utility company can still access the sub-station.

4.2.1 In addition, Southgate District Civic Trust considers that there is not much difference between this application and the last one, and it continues to have an effect on neighbouring properties in Games Road and Fairgreen East. There is a lack of information as to how it fits into the street scene, because there are no views available taken from the road. There is no significant reduction in height and mass of the proposed development and there will be a loss of trees and shrubs that at present screen existing properties. The Dilapidation Report of the existing cottage does not seem to justify demolition of the building. They do point out that removal of the detached garage block/flat above and repositioning the proposed block, may reduce the impact of it, and any proximity to the nearest house.

4.3 Conservation Advisory Group

4.3.1 The Group agreed that notwithstanding its neutral status in the Trent Park Character Appraisal, the existing building sits better in the streetscape than the proposed scheme.

The revised scheme does not overcome the previous objections to mass and bulk. The side and rear elevations are far too big and did not reflect the smaller scale of the area.

Concerns were raised about the impact on trees and shrubs.

5 Relevant Policy

5.1 Local Development Framework

5.1.1 The Enfield Plan –Core Strategy was adopted on 10th November 2010. The following policies from this document are of relevance to the consideration of this application:

Core Policy 4	Housing Quality
Core Policy 5	Housing Types
Core Policy 20	Sustainable Energy Use and Energy Infrastructure
Core Policy 28	Managing flood risk through development
Core Policy 30	Maintaining and improving the quality of the built environment.
Core Policy 31	Built and landscape heritage
Core Policy 36	Biodiversity

5.2 Unitary Development Plan

5.2.1 After the adoption of the Core Strategy, a number of UDP policies are retained as material considerations pending the emergence of new and updates policies and development standards within the Development Management Document. The following are of relevance:

- (II)C26 To resist the demolition of any unlisted building or structure, or part thereof, which contributes to the character of a conservation area.
- (II)C27 To ensure that buildings or groups of buildings of architectural, historic or townscape interest within a conservation area are retained and that their character and setting are protected.
- (II)C28 To ensure development proposals in conservation areas do not result in the inappropriate development or use of areas of hard or soft landscape important in the make up of the character or appearance of the area.
- (II)C30 New buildings within conservation areas to replicate, reflect or complement the traditional characteristics of the area.
- (II)C38 To resist developments that result in the loss of acknowledged public amenity value.
- (II)C39 Replacement planting where trees lost as a result of development
- (II)GD3 Design and character
- (II)GD6 Traffic implications
- (II)GD8 Access and servicing
- (II)H8 Privacy and overlooking
- (II)H9 Amenity space
- (II)T13 Access onto public highway

5.3 London Plan

- 3A.1 Increasing London's housing supply
- 3A.3 Maximising the potential of sites

- 3A.5 Housing choice
- 3A.6 Quality of new housing provision
- 3C.21 Improving conditions for cycling
- 3C.23 Parking strategy
- 3D.14 Biodiversity and nature conservation
- 4A.1 Tackling climate change
- 4A.2 Mitigating climate change
- 4A.3 Sustainable design and construction
- 4A.9 Adaption to climate change
- 4A.14 Sustainable drainage
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.8 Respect local context and communities
- 4B.12 Heritage conservation

5.4 Other Material Considerations

- PPS1 Delivering sustainable development
- PPS3 Housing
- PPS5 Planning for the historic environment
- PPG13 Transport
- PPS25 Development and Flood Risk

Trent Park Conservation Area Character Appraisal

6 **Analysis**

6.1 Principle of demolition

- 6.1.1 The Trent Park Conservation Area Character Appraisal considers that the existing building makes little contribution to the streetscape and has been damaged by inappropriate alterations. In considering the recent appeals against the earlier refusal of planning permission and conservation area consent, the Inspector supported this view and considered that the “main contribution that the existing site makes to the character and appearance of the Conservation Area comes from the strong hedge line along the road frontage. The house itself is understated and simple and sits unobtrusively behind this hedge.” He also commented that “The house is also visible from Monken Hadley Common to the north-west, from where it appears as an unremarkable introduction to the built –up area beyond the Common”. He was not convinced that there was anything of any particular historic significance about the property and that the fact that it was once occupied by Captain Lightoller could be commemorated without requiring retention of the property.
- 6.1.2 Residents have pointed out that the Barnet Character Appraisal for the area identifies the building as a ‘key building’. This has previously been pursued with Barnet Council who advise that the current appraisal document for the Monken Hadley Conservation Area only makes brief mention of it – “The offices face a 1960’s house and The Cottage on the Enfield boundary” and they have not raised any objections to the demolition of the existing building.
- 6.1.3 In the circumstances, policy would allow the demolition of the building subject to any replacement development preserving or enhancing the character or appearance of the Conservation Area.

6.2 Impact on the character of the surroundings area

6.2.1 The development proposed as part of this application is very similar to the development considered by the Inspector in respect of the recent appeals, particularly in terms of the design, size, siting, bulk and mass of the main building. The changes proposed as part of this application largely relate to the siting of the coach house building and the parking arrangement. The Inspector considered that the “house and proposed coach-house would sit satisfactorily on the site and the wider area and would complement the area at least as much as the existing house does now”. He concluded that the development would preserve the character and appearance of the Conservation Area. It is considered that the modest changes to the main building, together with the changes to the siting of the coach-house and the parking arrangement do not fundamentally change the impact of the development on the character or appearance of the Conservation Area and therefore the development remains acceptable in this respect.

6.2.2 The development allows for the retention of the majority of the strong hedge line to the Games Road frontage and the boundary trees, which do make a contribution to the character of the Conservation Area. A limited amount of the hedge would need to be removed to allow for the widening of the access to the site, but this would not undermine its function in providing a strong sense of enclosure to the road frontage. Conditions are recommended requiring that the trees and the hedgerow are protected during construction.

6.3 Impact on neighbouring properties

6.3.1 The Inspector considered in respect of previous appeal that the main building would have no undue impact on the amenities of the occupiers of adjoining properties in terms of light, outlook or privacy. The building as now proposed has a similar and indeed marginally improved relationship with site boundaries and therefore the main building remains acceptable.

6.3.2 The Inspectors main concern, and the reason for dismissing the earlier appeal, was the size and siting of the proposed coach house and its overbearing impact on the occupiers of 18 Fairgreen East. This application has sought to address this concern by moving the building further away from the site boundary, reducing the height of the building and marginally reducing its length.

6.3.3 As previously proposed the building was positioned between 4m and 6m to the common boundary with No.18 Fairgreen East, reflecting the taper in the boundary and the orientation of the proposed coach-house. It was to stand 5m to eaves/top of parapet and 6.8m to the top of the mansard roof; the building was 17.8m in length. As now proposed the building would be sited approximately 5.8m and 7.8m from the common boundary. The design of the building has been modified to remove the parapet wall and thus reduce the eaves height to approximately 3.3m and the height to the top of the mansard to 6m. The building has been reduced in length by approximately 0.5m. The applicants have also provided details of additional landscaping that can now be provided in the space between the proposed building and the boundary.

6.3.4 It is noted that residents consider these amendments to be ‘insubstantial’. However, the re-siting of the building almost 2m further away from the

boundary, taken with the significant reduction in the mass of the building through its redesign, the removal of the parapet design and the consequential reduction in eaves height from 5m to 3.3m, together with the opportunity for additional landscaping, it is considered sufficient to ensure that it would not be unduly overbearing when viewed from No.18 Fairgreen East. Whilst the landscaping scheme proposed could be improved, this can be addressed by condition. Accordingly, it is considered that the revised proposals now address the Inspectors concerns.

- 6.3.5 The current proposal does not include provision for a balcony on the east facing elevation of the coach-house. A balcony is proposed on the west facing elevation. Given this orientation and the relationship of building to the boundary, it is not considered that use of this balcony will give rise to undue overlooking of No.18 Fairgreen East.

6.4 Highway safety

- 6.4.1 The existing property is already occupied as 4 flats. The provision of an additional 3 units on the site would not result in a significant increase in traffic generation from the site. The main access to the site is as existing and this is acceptable. The garages have been increased in width since a previous refusal and are now considered acceptable to meet modern day standards for an average sized car. The level of car parking provision is acceptable given the location of the site.

- 6.4.2 No details are provided of cycle storage. However, there is adequate capacity on site to provide covered and secure facilities and this matter could be dealt with by condition should planning permission be granted.

- 6.4.3 Concerns raised through public consultation about construction traffic are noted. A condition is recommended requiring the submission of a construction methodology setting out such matters construction access, wheel cleaning etc.

6.5 Sustainable Design and Construction

- 6.5.1 Conditions are recommended to ensure the development achieves a minimum of Code Level 3 for Sustainable Homes and appropriate sustainable drainage techniques are employed.

6.6 Other issues raised through consultation

- 6.6.1 The comments of EDF are noted. The proposed development is sited a minimum of 13m away from the sub-station. The applicant has provided information demonstrating the easement that EDF presently have to access the sub –station. This allows vehicle access over the garage court with pedestrian access to the sub-station itself. The proposals would achieve broadly the same arrangement.

7 Conclusion

- 7.1 Notwithstanding the objections raised, the Inspector in considering the previous appeal considered that the development was acceptable in all respects with the exception of the size and scale of the proposed coach house and its relationship with the common boundary of the site with No.18

Fairgreen East. It is considered that the amendments introduced through this application address these concerns and approval is therefore recommended for the following reasons:

- 1 The Trent Park Conservation Area Character Appraisal notes that the existing building makes little contribution to the streetscape and has been damaged by inappropriate alterations. The proposed development, having regard to the size, scale and design of the buildings and the retention of existing landscape features which contribute to the character of the Conservation Area, would preserve the character and appearance of this part of the Trent Park Conservation Area. In this respect the development would comply with Core Policy CP31 of the Core Strategy, Unitary Development Plan policies (II)C26, (II)C27, (II)C28, (II)C30 and (II)C38 and London Plan policy 4B.12
- 2 The proposed development achieves a more efficient use of the site whilst having regard to the character and appearance of the area and the amenities of the occupiers of adjoining properties. In this respect the development complies with Core Policy CP30 of the Core Strategy, Unitary Development Plan policies (II)H8 and (II)H9 and London Plan policies 3A.1, 3A.3, 4B.1 and 4B.8.
- 3 The proposed development would be provided with appropriate access and parking facilities and conditions require the provision of cycle parking facilities. In this respect the development would comply with Unitary Development Plan policies (II)GD6, (II)GD8 and (II)T13 and London Plan policies 3C.21 and 3C.22.

8 Recommendation

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

- 1 C07 Details of materials.
- 2 That development shall not commence on site until detailed drawings, including sections, to a scale of 1:20 or larger of a sample panel through the building showing the proposed windows, window reveals, cills, arches and all elevational detailing have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to occupation.

Reason: To safeguard the character and appearance of this part of the Trent Park Conservation Area.

- 3 C09 Details of hard surfacing
- 4 C10 Details of levels
- 5 C11 Details of enclosure
- 6 That development shall not commence on site, including the demolition of the existing building, until a construction methodology has been submitted to and approved in writing by the Local Planning Authority. The construction methodology shall contain: a photographic condition survey of the adjoining roads and footways around the site; details of construction access, arrangements for vehicle servicing and turning areas; arrangements for wheel cleaning; arrangements for the storage of materials; and details of hours of work. The development shall then be undertaken in accordance with the approved

construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the implementation of the development does not lead to damage to existing roads and the listed gate, prejudice highway safety or the free-flow of traffic on adjoining highways, and to minimise disruption to neighbouring properties.

- 7 Notwithstanding the details shown on drawing number PL/010677/02 Rev G, the development shall not commence until details of the construction of any access roads and junctions 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.

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

8 C15 Private vehicles only – garages

9 C16 Private vehicles only – parking areas

10 C59 Cycle parking spaces

- 11 Notwithstanding the details shown on drawing number BAN 16934 09, 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.

12 C18 Details of Tree Protection

13 C19 Details of Refuse Storage & Recycling Facilities

- 14 The glazing to be installed in the southern elevation of the development indicated on drawing Nos. PL/010677/03, 04 and 06 shall be fixed and in obscured glass. 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.

15 C25 No additional Fenestration

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any amending Order, no buildings or extensions to buildings, including roof extensions shall be erected on the proposed four bed attached house without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties

- 17 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

Appendix F of PPS25, London Plan Policy 4A.14 and SUR1 of the Code for Sustainable Homes. 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, Policy 4A.14 of the London Plan 2008 and PPS25.

18 Evidence confirming that the development achieves a Code for Sustainable Homes rating of no less than '3' shall be submitted to and approved in writing by the Local planning Authority. The evidence required shall be provided in the following formats and at the following times:

a design stage assessment, conducted by an accredited Code Assessor and supported by relevant BRE interim certificate, shall be submitted at pre-construction stage prior to the commencement of superstructure works on site; and,

b post construction assessment, conducted by and accredited Code Assessor and supported by relevant BRE accreditation certificate, shall be submitted following the practical completion of the development and prior to the 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 and Policies 4A.1, 4A.2, 4A.3 and 4A.9 of the London Plan as well as PPS1.

19 C51a Time Limited Permission



- - - Indicates outline of previous application TP/09/1701 & CAC/09/0015
- - - Indicates footprint of existing building

Rev	Date	Description
A	25.07.10	Existing Building Outline Shown

BANNER HOMES
 building our future
www.bannerhomes.co.uk

BANNER HOMES LIMITED
 Riverside House, Holtspur Lane, Wooburn Green
 High Wycombe, Buckinghamshire, HP10 0TJ
 Tel: 01628 536200 Fax: 01628 536201
 DX: 123610 Wooburn Green E-mail: info@banner-homes.co.uk

Project
**Games Road
 Hadley Wood**

Drawing title
Site Plan

Scale 1:500	Dwg No. PL/010677/02
Date 05.07.10	Rev A
Drawn N.Millin	



Appeal Decision

Site visit made on 1 October 2010

by **Michael J Muston BA(Hons) MPhil**
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:

29 October 2010

Appeal A Ref: APP/Q5300/A/10/2125519 **17 Games Road, Hadley Wood, Barnet EN49 9HN**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Neil Cottrell, Banner Homes Ltd against the decision of the Council of the London Borough of Enfield.
- The application ref TP/09/1701, dated 11 November 2009, was refused by notice dated 16 March 2010.
- The development proposed is the demolition of the existing house and the erection of 6 flats plus attached dwelling, the provision of a flat above the garage building and the provision of a vehicular access.

Appeal B Ref: APP/Q5300/E/10/2125524 **17 Games Road, Hadley Wood, Barnet EN49 9HN**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr Neil Cottrell, Banner Homes Ltd against the decision of the Council of the London Borough of Enfield.
- The application ref CAC/09/0015, dated 11 November 2009, was refused by notice dated 16 March 2010.
- The development proposed is the demolition of the existing house and garage.

Decision - Appeal A

1. I dismiss the appeal.

Decision - Appeal B

2. I dismiss the appeal.

Main Issues – Appeal A

3. I consider the main issues in Appeal A to be:-
 - whether the proposal preserves or enhances the character or appearance of the Trent Park Conservation Area,
 - the effect of the proposal on the living conditions of occupiers of adjacent residential properties.

Main Issue – Appeal B

4. I consider the main issue in Appeal B to be whether the proposal preserves or enhances the character or appearance of the Trent Park Conservation Area.
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Reasons and Conclusion – Appeal A

Conservation Area

5. The appeal site is within the Trent Park Conservation Area. The Council has adopted a Character Appraisal (CA) of the Conservation Area. The Conservation Area is centred on the mansion and the formal landscape surrounding it, which now forms the core of the Middlesex University Campus. The CA explains that the Conservation Area falls into five discernible areas. The appeal site falls within Character Area 5: Chalk Lane.
6. The CA notes in paragraph 3.9.7 that this part of the Conservation Area has little intrinsic architectural or historic interest and that its most significant characteristic in terms of the wider Conservation Area is the way in which the open space of the sports ground provides a green backdrop to the western entrance to Trent park. It says that the existing building makes little contribution to the streetscape and has been damaged by inappropriate alterations. It notes that good screening by trees and hedges neutralises the impact of what it describes as “these generally unattractive structures”.
7. The Council suggests that the house’s impact on the Conservation Area is limited. I agree with the Council on this point and that the main contribution that the existing site makes to the character and appearance of the Conservation Area comes from the strong hedge line along the road frontage. The house itself is understated and simple and sits unobtrusively behind this hedge.
8. The house is also visible from Monken Hadley Common to the north-west, from where it appears as an unremarkable introduction to the built-up area beyond the Common.
9. The proposal would involve the replacement of the existing house with a larger building of neo-Georgian design. The building would have a larger footprint, and be higher than the existing house. However, the site is of a good size and the proposed building would in my opinion still retain an appropriate setting and space around it. The siting of the building would also allow the existing trees around the edge of the site to be kept, as well as the retention or suitable replacement of the existing boundary treatment onto the road frontage, which contributes positively to the character of the area.
10. I am aware that the existing house has a history in that it was the home of Captain Lightroller DSC. However, from the evidence before me, I am not convinced that there is anything of particular historical significance about the house itself. The fact that Captain Lightroller used to live there could be commemorated in some other way and in my view does not provide an overriding reason to require the retention of the house.
11. I consider that the house and proposed coach-house would sit satisfactorily on the site and the wider area and would complement the area at least as much as the existing house does now. I conclude that the proposal would preserve the character and appearance of the Conservation Area and would comply with saved Policies (I)C1, (II)C30, (I)GD1, (I)GD2 and (II)GD3 of the London Borough of Enfield Unitary Development Plan.

Living conditions of neighbours

12. On my site visit, I was able to view the appeal site from the house and garden of 1 Games Road. At present, the existing house is visible through young trees at the bottom of No 1's garden. The appeal proposal would locate the southerly two storey wing of the proposed building closer to No 1, a little over 20 metres from the two storey part of the house, and about 8 metres from the common boundary. It would also be higher than the existing house.
13. I accept that the new building would be more visible and more dominant than the existing house from No 1's house and garden. However, I consider that the retention of a significant gap between the new building and the boundary with No 1 would prevent the proposal from having an unacceptably overbearing effect on the occupiers of No 1, when using their rear rooms or rear garden.
14. The windows at first floor level in the side elevation of the building facing towards 1 Games Road would be obscurely glazed and fixed shut. The balcony on the rear elevation of this part of the building would have a side wall preventing overlooking in the direction of No 1. This would prevent any material loss of privacy from resulting. In my view, the proposal would not unacceptably harm the living conditions of the occupiers of 1 Games Road.
15. The proposed building would also be closer to 12 Fairgreen East but would still be over 15 metres away from the common boundary. A number of windows and balconies would face in this direction. However, a combination of the retention of trees close to that boundary and the distances involved mean that in my opinion no unacceptable overlooking or overbearing effect would result.
16. The northerly wing of the new building would bring the new building much closer to Nos 16 and 18 Fairgreen East than the existing house. However, it would still be over 10 metres away from the site's boundary with either of these two properties. The proposal would impact significantly on the views currently obtained over the site from Nos 16 and 18. However, the protection of such private views are not a material consideration and I cannot give them any weight. Nor do I consider, with the proposed building over 10 metres from the boundary, that any unacceptable overbearing effect on these two properties or their gardens would result.
17. The northern side elevation of this wing would not contain any windows, so no overlooking of Nos 16 or 18 would result. I do not consider that the construction of the main building would unacceptably affect the living conditions of the occupiers of Nos 16 and 18 Fairgreen East.
18. The appeal proposal also involves the erection of a two storey coach-house building in the north-western corner of the site. It would be constructed at a slight angle to the boundary with the rear garden of 18 Fairgreen East and would as a result be between 4 and 6 metres from that boundary. This coach-house would have a rear elevation facing No 18 of a blank wall nearly 18 metres long and nearly 5 metres high. Above that, a pitched roof would slope back away from the site boundary, bringing the total height of the building to over 6.5 metres.
19. I saw on my site visit that No 18 has rooms at the rear, a rear garden and a sitting-out area that currently benefit from an outlook over the appeal site.

There is a tree on the appeal site, close to the common boundary, which could be retained. However, it has a fairly high crown and would do little to screen views of the coach-house. I appreciate that the proposed coach-house has been made lower, and is further from the boundary, than in a previous scheme that was refused permission. However, it is my view that the construction of a structure of the height and width proposed, between 4 and 6 metres from the boundary, would appear unduly overbearing when seen from the rear rooms, sitting-out area and rear garden of 18 Games Road.

20. The coach-house would also feature a balcony outside the living room on its eastern side elevation. This would allow views towards the rear gardens of Nos 16 and 18 Fairgreen East. The views over No 18's garden in particular would be at a distance of only a few metres and would in my opinion result in unacceptable overlooking. However, if I were minded to allow the appeal, this problem could be dealt with by a condition requiring the erection of a screen similar to that employed on the sides of the balconies in the main house.
21. The windows lighting the building have in my opinion been positioned in locations and at heights that would avoid unacceptable overlooking of nearby properties.
22. I do not consider that the main building would unacceptably impact on the living conditions of the occupiers of any of the neighbouring properties. However, in my view the proposed coach-house would have an unacceptable overbearing effect on the occupiers of 18 Fairgreen East when enjoying their home. I consider that this outweighs the lack of harm from the main building. I conclude that the proposal would have an adverse effect on the living conditions of occupiers of the adjacent residential properties, contrary to saved Policies (I)GD1 and (I)GD2 of the London Borough of Enfield Unitary Development Plan.

Other matters

23. I am told by third parties that the white gates adjacent to the site are a listed structure. The proposal would move development slightly farther away from these gates and the retention of this degree of open space would in my view preserve their setting.

Conclusion – Appeal A

24. I have concluded that the proposal would preserve the character and appearance of the Trent Park Conservation Area. However, I have also concluded that it would have an adverse effect on the living conditions of neighbours. I consider this to be sufficient reason to warrant dismissing the appeal.

Reasons and Conclusion – Appeal B

25. The proposal to demolish the existing dwelling on site would leave a vacant site and would not in my opinion preserve or enhance the character or appearance of the Conservation Area, unless an acceptable development proposal had first been permitted. As I have dismissed Appeal A, I conclude that the proposal would neither preserve nor enhance the character or appearance of the Trent

Park Conservation Area, contrary to saved Policies (I)C1 and (II)C26 of the London Borough of Enfield Unitary Development Plan.

Michael J Muston

INSPECTOR