

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 8th October 2013

Report of
Assistant Director - Planning,
Highways & Transportation

Contact Officer:
Andy Higham Tel: 020 8379 3848
Sharon Davidson Tel: 020 8379 3841
Mr A. Jarratt Tel: 020 8379 3842

Ward:
Cockfosters

Application Number : P13-01432PLA

Category: Dwellings

LOCATION: Slopers Pond Cottages, 1- 3 , WAGGON ROAD, BARNET, EN4 0HL

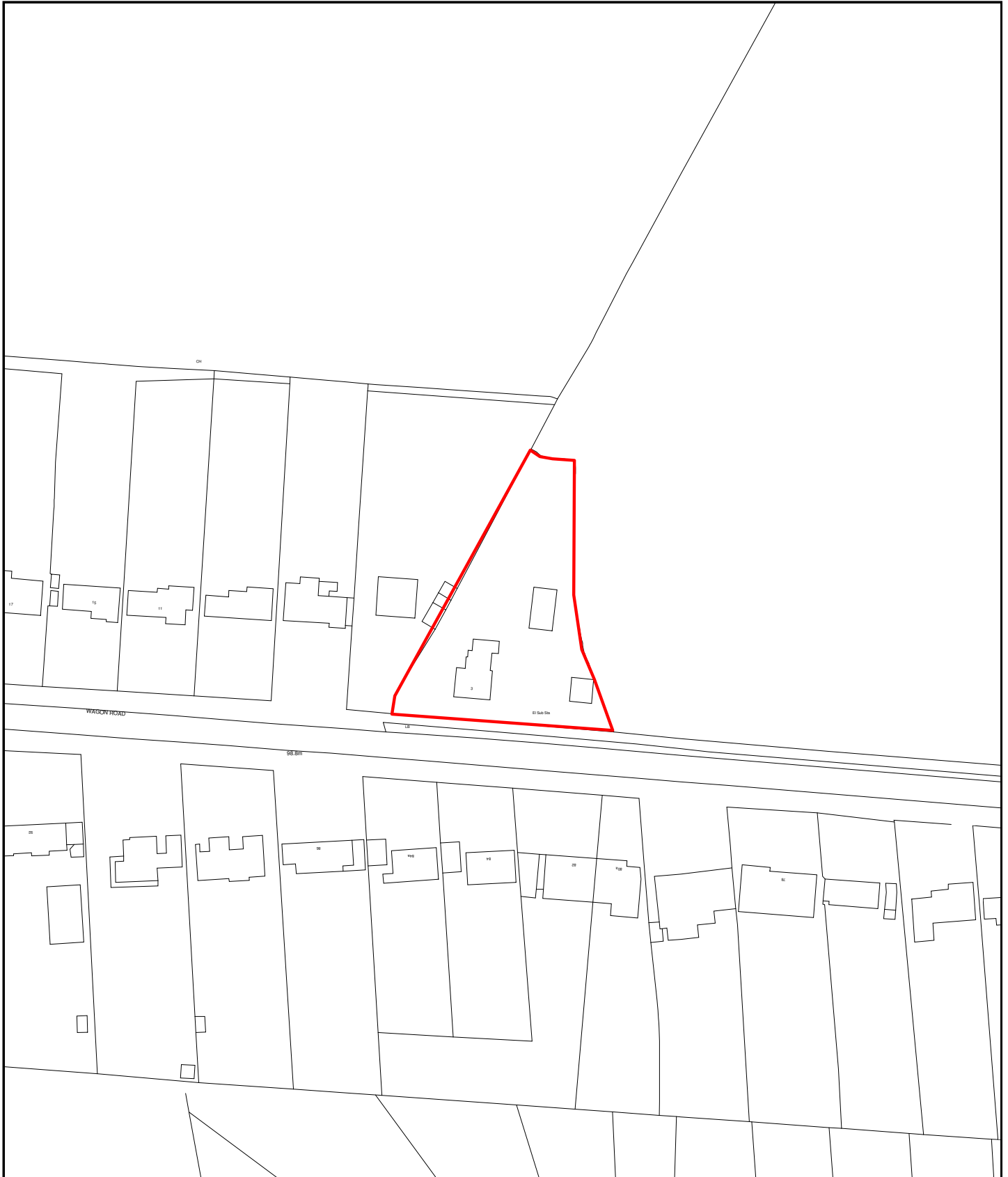
PROPOSAL: Demolition of existing house and outbuildings and erection of a 2 storey 6-bed detached single family dwelling house.

Applicant Name & Address:
Opticrealm Limited
62, York Way,
London,
N1 9AG

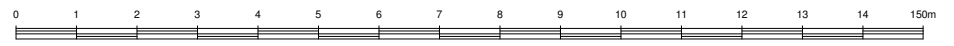
Agent Name & Address:
Paul Carter,
Paultcarter Planning
35, The Ridgeway
Kent
TONBRIDGE
TN10 4NJ

RECOMMENDATION:

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



Development Control



Scale - 1:1250
Time of plot: 11:35

Date of plot: 20/09/2013

1.0 Site and Surroundings

- 1.1 The application property consists of an existing modest 2 storey detached house set approximately 20 metres in front of the nearest neighbouring and residential property, No.5 Waggon Road which is sited to the west. The subject dwelling is approximately 6.8 metres from the boundary with No.5, whilst No.5 is sited within approximately 2 metres of its boundary.
- 1.2 Approximately half of the site falls within the Green Belt and within an area designated as the Enfield Chase Area of Special Character, providing a part suburban part rural character to the wider surrounding area. The site is a triangular plot with the southern boundary being the site's widest point, with a width of approximately 47 metres, and having a length of approximately 79 metres from north to south.
- 1.3 The entirety of the site currently forms the garden area and curtilage of the residential property.
- 1.4 There is an electricity substation in the south east corner of the site.
- 1.5 The site has two existing outbuildings located within the sections of the Green Belt, and some existing hardstanding to the front, providing access to the highway.
- 1.6 There is an Oak Tree to the front of the site which is the subject of a Tree Preservation Order (TPO). The remaining trees on site are not the subject of a Tree Preservation Order.

2. Proposal

- 2.1 Consent is sought for the demolition of existing house and outbuildings and erection of a 2 storey 6-bed detached single family dwelling house.
- 2.2 The replacement dwelling would have a contemporary design. The two storey elements of the dwelling would be within the building line set by neighbouring properties along Waggon Road. Single storey elements and partially exposed basement areas project forward and to the rear of this building line.
- 2.3 The maximum height of the habitable elements of the scheme (excluding decorative features to the front and rear) is 7 metres. The scheme seeks to retain the most prominent existing trees to help the development blend into its surroundings, including the protected Oak to the site frontage.
- 2.4 Amendments have been secured since the original submission. These include reducing the depth of the first storey element, reducing the depth and height of the partially exposed basement, removing access to the roof of the partially exposed basement to prevent overlooking and providing clearer drawings to show the height of the proposed development and the land levels.

3. Relevant Planning Decisions

- 3.1 P12-01172PLA - Demolition of existing dwelling and erection of a detached part 2-storey, 6-bed single family dwelling with double garage and basement – Appeal for non determination dismissed 14th February 2013.
- 3.2 In dismissing the appeal the Inspector accepted that “The proposal would comprise the replacement of all the buildings on the site with a large detached house, part of which would be within the Green Belt as currently designated. This portion would be approximately the size of the outbuildings that would be replaced. Therefore, and having regard to the proposed boundary change and the purposes of the Green Belt as set out in the Framework, I conclude that the proposal would not be inappropriate development”
- 3.3 However, the Inspector went on to consider the impact of the development on the wider character of the surrounding area and concluded that “ due to its siting, height and bulk, the proposal would have an unacceptable effect on the character and appearance of the street scene”. Moreover he considered that “it would be a substantial building located in a relatively exposed position next to fields and would be a prominent element in views from the nearby public footpath, from Waggon Road and from some points further afield. In my judgement due to its siting, height, bulk and footprint, it would be an unduly prominent and intrusive element in the landscape which would have an unacceptable effect on the character and appearance of the surrounding countryside”.
- 3.4 A copy of the appeal decision is appended to this report.

4. Consultations

4.1 Statutory and non-statutory consultees

4.1.1 Traffic and Transportation

No objection

4.1.2 Biodiversity Officer

No objection

4.1.3 Tree Officer

No objection

4.2 Public response

- 4.2.1 Consultation letters were issued to 7 neighbouring properties and a site notice has been displayed. In response, 7 letters of objection have been received, citing;

- It is inappropriate to build beyond the existing front and rear building lines
- The proposal is inappropriate in respect of siting, height, scale, massing and bulk.
- Inappropriate overdevelopment of the garden area which sits outside of the Green Belt.

- The roof terrace (above basement) is inappropriate for this location.
- The significant mass, large footprint and incorrect orientation of the building, its use of significant amounts of glass and metal cladding will result in a very prominent massive overbearing structure making it inappropriate for its setting and general pattern of development.
- Illustrative drawings should not be submitted for planning
- Risk to trees on neighbouring land
- Lack of technical information to assess the scheme (drainage design, works statements, water table info, etc).
- Lack of plot ratio information
- Has planning consent been obtained to convert the existing two properties into a single dwelling?
- Design is not appropriate for the street.
- The site is also prominent and will be visible to drivers, walkers and cyclists who use the roads and paths surrounding the site.
- Would make a negative contribution towards the Green Belt.
- Scheme will create a precedent for large rear garden developments.
- The Green Belt review has yet to be adopted and therefore should not be a material consideration.
- The application includes misleading or inconsistent information.

4.2.2 Following amendments to the scheme, further consultation has been undertaken. Any further responses will be reported at the committee meeting.

5 Relevant Policy

5.1 The National Planning Policy Framework (NPPF) published in March 2012 allowed local planning authorities a 12 month transition period to prepare for the full implementation of the NPPF. Within this 12 month period local planning authorities could give full weight to the saved UDP policies and the Core Strategy, which was adopted prior to the NPPF. The 12 month period has now elapsed and as from 28th March 2013 the Council's saved UDP and Core Strategy policies will be given due weight in accordance to their degree of consistency with the NPPF.

5.2 The Development Management Document (DMD) policies have been prepared under the NPPF regime to be NPPF compliant. The Submission version DMD document was approved by Council on 27th March 2013 for submission to the Secretary of State for examination. Examination and subsequent adoption is expected later this year. The DMD provides detailed criteria and standard based policies by which planning applications will be determined.

5.3 The policies listed below are 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

5.4 The London Plan

- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice

- 3.9 Mixed and balanced communities
- 3.14 Existing housing
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 6.9 Cycling
- 6.13 Parking
- 7.16 Green belt
- 7.19 Biodiversity & access to nature
- 7.20 Geological conservation
- 7.21 Trees and woodlands

5.5 Core Strategy

- CP2: Housing supply and locations for new homes
- CP3: Affordable housing
- CP4: Housing quality
- CP5: Housing types
- CP6: Meeting particular housing needs
- CP21: Delivering sustainable water supply, drainage and sewerage
Infrastructure
- CP26: The road network
- CP30 Maintaining and enhancing the built environment
- CP31 Built landscape heritage
- CP33 Green belt and countryside

5.6 Unitary Development Plan

- (II) G6 Area of special character
- (II) G11 New developments in the Green Belt
- (II) G20 Setting of Green Belt
- (II) GD3 Design and character
- (II) GD6 Traffic implications
- (II) GD8 Site access and servicing
- (II) H6 Maintain range of housing
- (II) H8 Privacy and overlooking
- (II) H9 Amenity space
- (II) H10 Replacement parking
- (II) T13 Access onto public highway

5.7 Development Management Document Submission Version

- DMD2 Affordable housing for developments of less than 10 units
- DMD3 Providing a mix of different homes
- DMD6 Residential character
- DMD7 Development on Garden Land
- DMD8 General standards for new residential development
- DMD9 Amenity space
- DMD10 Distancing
- DMD37 Achieving high quality and design led development
- DMD45 Parking standards and layout
- DMD49 Sustainable design and construction statements
- DMD51 Energy efficiency standards
- DMD82 Protecting the Green Belt

DMD83 Development adjacent to the Green Belt

5.8 Other material considerations

National Planning Policy Framework
Supplementary Housing Document (Mayor of London)
Lifetime Homes
Section 106 Supplementary Planning Document

6. Analysis

6.1 Principle of development in relation to Green Belt

- 6.1.1 The provision of housing would accord with the thrust of policies contained within the National Planning Policy Framework (NPPF), the London Plan and within the Core Strategy. However, due to part of the site falling within the Metropolitan Green Belt, the proposed development would also have to meet with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open (section 9 of the NPPF).
- 6.1.2 Residential development continues to constitute inappropriate development in the Green Belt and inappropriate development by definition is deemed to be harmful. However, the NPPF does allow for the erection of replacement buildings where the new building is in the same use and is not materially larger than the existing.
- 6.1.3 Whilst the proposed dwelling is materially larger than the one it replaces, the bulk of the replacement dwelling is not located within the Green Belt. The proposal would not result in a larger built footprint or significantly larger floor area (mass) than that which already exists within the portions of the site designated as Green Belt.
- 6.1.4 The plans indicate that the footprint in the Green Belt would not be greater or materially larger than the existing.
- 6.1.5 Therefore it is considered there is no objection in principle to the replacement dwelling on the site and the development is acceptable in principle in Green Belt terms. This was supported by the Inspector in his report for the previous planning appeal. Furthermore, since the previous appeal and following amendments to this scheme, the scale and bulk of the dwelling has been reduced.
- 6.1.6 It should also be noted that the Green Belt review recommendation is to de-designate this site from Green Belt. This has now progressed through to the formal publication of the Proposed Submission DMD and accompanying Policies Map, which has been through Full Council and therefore reflects the Council's intended policy. At the time of writing this report, with a week to go before the publication period closes, no representations on this intended proposal have been received and therefore some weight can be attributed to the de-designation of the site. The de-designation has been based on a number of stages of consultation prior to the draft and proposed submission DMD and a robust methodology that seeks a consistent approach to defining Enfield's GB boundary

6.2 Impact on Character of Surrounding Area

Scale & Bulk

- 6.2.1 In previous incarnations of the scheme, there were significant concerns over the height and massing of the scheme and its impact both within and on the setting of the Green Belt. Prior to the submission of and during the assessment of this application, further amendments have been secured to improve the development and reduce its impact upon the wider surrounding area.
- 6.2.2 With this revised scheme, the bulk of the footprint and buildings lines of the development (especially at more than 1 storey) would broadly be in keeping with the prevailing pattern of development in Waggon Road, not projecting significantly ahead or beyond the existing front, or in the case of first floor elements, would not project beyond the rear building lines of nearby neighbouring properties.
- 6.2.3 The single storey element of the proposal which projects forward of this building line, follows the footprint of the original dwelling. It is also noted that in this revised scheme significant reductions have been made to the scale and bulk of the development. The development is effectively an entire floor lighter and with a re-model, in terms of the design and proposed materials. It is considered that in terms of bulk and massing that the proposal would sit acceptably within the scale of surrounding dwellings.

Design

- 6.2.4 It is clear that the scheme strives to produce a new dwelling which embraces a modern design. Paragraph 60 of the National Planning Policy Framework states that 'Planning Policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'.
- 6.2.5 Waggon Road comprises a range of house types and styles, which are not identical in appearance but nevertheless exhibit similar characteristics and are quite traditional in appearance. In contrast, the proposed dwelling takes a very contemporary approach to design and appearance. However, having regard to the guidance contained in the NPPF, and other considerations, including the siting and scale of the proposed dwelling, its relationship to neighbouring properties and site boundaries, and its landscape context, it is considered that it would be acceptable in this location.

Residential Amenity

- 6.2.6 Owing to the siting and footprint of the proposed dwelling, it is considered that the proposal would not cause undue harm to the residential amenities of neighbouring occupants. Whilst a significant section of the development projects beyond the rear wall of the neighbouring No.5, this section would be single storey and large portions of it would be built into the ground. This means the majority of the structure would be below the height of the boundary fence. Owing to its height, in conjunction with the angle of the boundary and its orientation, bending away from the rear wall of No.5 Waggon Road, it is considered that the proposal would not cause undue harm to the residential

amenities of neighbouring occupants. In order to prevent harm to neighbouring residential amenity, it would be necessary to attach a condition requiring that the dwellings permitted development rights be restricted to retain a satisfactory footprint.

- 6.2.7 Additionally, the amendment to the scheme has removed the platform to the rear of the dwelling (above the partially exposed basement) and therefore the scheme would not give rise to overlooking or a loss of privacy. A condition is recommended to ensure that the flat roof areas of the dwelling can not be used for amenity purposes.

Amenity Space

- 6.2.9 The development provides amenity space to meet UDP standards and exceed those set down in DMD9 of the Submission Version Development Management Document.

6.3 Highway Safety

- 6.3.1 The proposed development would relocate the existing vehicle access. However, as vehicles will still be able to enter and exit the site in a forward gear and because the site provides sufficient off street parking spaces, it is considered that the proposed development would not prejudice the free flow of traffic or pedestrian safety. However, a condition will be required to ensure that the existing vehicle cross over, which would become redundant, is removed.

6.4 Affordable housing and education

- 6.4.1 As this development does not result in a net gain in residential dwellings, there is no requirement for financial contributions towards affordable housing or education.

6.5 Sustainable Design and Construction

- 6.5.1 The proposed development aims to meet code level 3 of the code for sustainable homes, which would be compliant with the local plan and in accordance with the general hierarchy of sustainability policies. In order to ensure that the proposed development meets its projected targets, relevant post construction conditions would be required.

6.6 Biodiversity

- 6.6.1 The Ecological Assessment is acceptable and it is recommended that conditions be attached to any permission requiring the provision of a scheme to secure ecological enhancements prior to the commencement of development

6.7 Trees

- 6.7.1 The applicant has submitted a drawing showing the footprint of the development and the trees which are to be retained. The Oak Tree, which is subject to a TPO, will be unaffected by the development subject to conditions protecting it during the construction process.

6.8.2 The drawings illustrate that the remaining trees may have some minor route pruning. However, this would be on the outer limits of their root protection zone, and therefore this should not prejudice the lifespan of these trees.

6.10 CIL

6.10.1 As of the April 2010, new legislation in the form of CIL Regulations 2010 (as amended) came into force which would allow 'charging authorities' in England and Wales to apportion a levy on net additional floorspace for certain types of qualifying development to enable the funding of a wide range of infrastructure that is needed as a result of development. Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm (taking into account the inflation index). The Council is progressing its own CIL but this is not expected to be introduced until spring / summer 2014.

6.10.2 In this instance the proposed residential development would be subject to a £20 per square metre levy in accordance with the GLA's CIL Charging Schedule.

6.10.3 The applicant has indicated that the new development would create a net gain of 888 square metres in gross internal floor area. On this basis, the calculation and sum arising would be as follows:

$$(\text{£}20/\text{m}^2) \times (888\text{m}^2) \times 232/223 = \text{£}18,476.77$$

6.10.4 Should permission be granted, a separate CIL liability notice would need to be issued.

7.0 **Conclusion**

7.1 In light of the above it is recommended that planning permission be GRANTED subject to conditions;

- 1) The proposed erection of a replacement dwelling, by reason of the proposed building's scale, design and external appearance, would not detract from the open character and appearance or setting of the Green Belt, would be acceptable within the pattern of the surrounding built environment and would not result in undue harm to the amenities of the occupiers of adjoining properties. In this respect the development would comply with Policies CP30 and CP33 of the Enfield Plan Core Strategy, DMD37, DMD82 and DMD83 of the Submission Version Development Management Document, (II)GD3, (II)G11 and (II)G20 of the Unitary Development Plan and Policies 7.1, 7.4, 7.6 and 7.19 of the London Plan.

8.0 **Recommendation: That planning permission be GRANTED subject to the following conditions;**

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

2. The development shall not commence until details of the external finishing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance.

3. 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.

4. The development shall not commence until plans detailing the proposed ground levels including the levels of any proposed buildings, roads and/or hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure that levels have regard to the level of surrounding development, gradients and surface water drainage.

5. Prior to the commencement of development details for the reinstatement of the redundant point of access, as shown on Drawing No.3F1-112 Rev O4 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently retained.

Reason: To enable additional kerb-side parking and to improve the condition of the footway in the interest of pedestrian safety.

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 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, 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.

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

Reason: To safeguard the residential amenities of neighbouring occupants and preserve the open character and appearance of the Green Belt and its setting.

10. Evidence confirming that the development achieves a Code for sustainable homes of no less than code level 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. A design stage assessment for code for sustainable homes, conducted by and accredited Code for sustainable homes 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 therefrom 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, Core Policy CP4, and Policies 5.1, 5.2 and 5.3 of the London Plan as well as National Planning Policy Framework.

11. 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; 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.

12. 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:

i) 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

ii) 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 runoff or create an unacceptable risk of flooding elsewhere.

13.No works or development shall take place until a scheme for the protection of the retained trees and hedgerows (section 7, BS 5837, the Tree Protection Plan) has been submitted to and approved in writing by the Local Planning Authority. The trees and hedgerows shall be protected in accordance with the approved details prior to the commencement of any construction works on site, including demolition of the existing building, and shall be retained in situ for the duration of the construction.

Reason: To protect existing trees and hedgerows during construction

14.All areas of 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 - 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 affected by the proposed development in line with CP36 of the Core Strategy.

15 No development hereby permitted shall commence until details of in-design biodiversity enhancements have been submitted and approved in writing by the council. Following guidance from an appropriately qualified ecologist, details of biodiversity enhancements are to include:

- Type and specification of bricks/tiles/tubes selected;
- 4 Bat tubes, bricks or tiles incorporated into the design of the new building in suitable locations (high up, south facing walls in areas which are not restricted access by the presence of dense vegetation);
- 4 Bird bricks and boxes incorporated into the design of the new building and/or around the building in suitable locations;
- A plan showing the location of these enhancement features incorporated into the development alongside the associated landscaping of the development

The approved biodiversity enhancements shall thereafter be implemented as agreed.

Reason: To minimise the impact of the development on the ecological value of the area and to ensure the development provides the maximum possible provision towards the creation of habitats and valuable areas for biodiversity in accordance with Policy CP36 of the Core Strategy, the Biodiversity Action Plan and Policy 7.19 of the London Plan

16. No development hereby permitted shall commence until a *Cotoneaster* sp. eradication strategy has been submitted to, and approved in writing by the council. The strategy shall include details of and timescales for *Cotoneaster* sp. eradication, and, if the *Cotoneaster* sp. has not been eradicated at the time of commencement of works, details of the measures to be put in place to ensure that works do not cause its spread. The eradication strategy shall be carried out in accordance with the approved details.

Reason: To ensure that biodiversity is not adversely affected by the proposed development in line with CP36 of the Core Strategy (*Cotoneaster* sp., is a non-native, invasive species that can have a significant adverse affect on biodiversity).

- 17 No exterior lighting is to be installed without the prior written permission of the local planning authority.

Reason: The site boundaries are potential bat foraging corridors and are adjacent to agricultural land and external lighting could therefore adversely impact on bats and deter them from roosting and frequenting the wider area. This condition will ensure that bats are not adversely impacted upon by the proposals.

- 18 No development shall commence until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with CP36 of the Core Strategy.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amending Order, no balustrades or other means of enclosure shall be erected on any roof forming part of this development. No roof shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.

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

20 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: To comply with the provisions of S.51 of the Planning & Compulsory Purchase Act 2004.

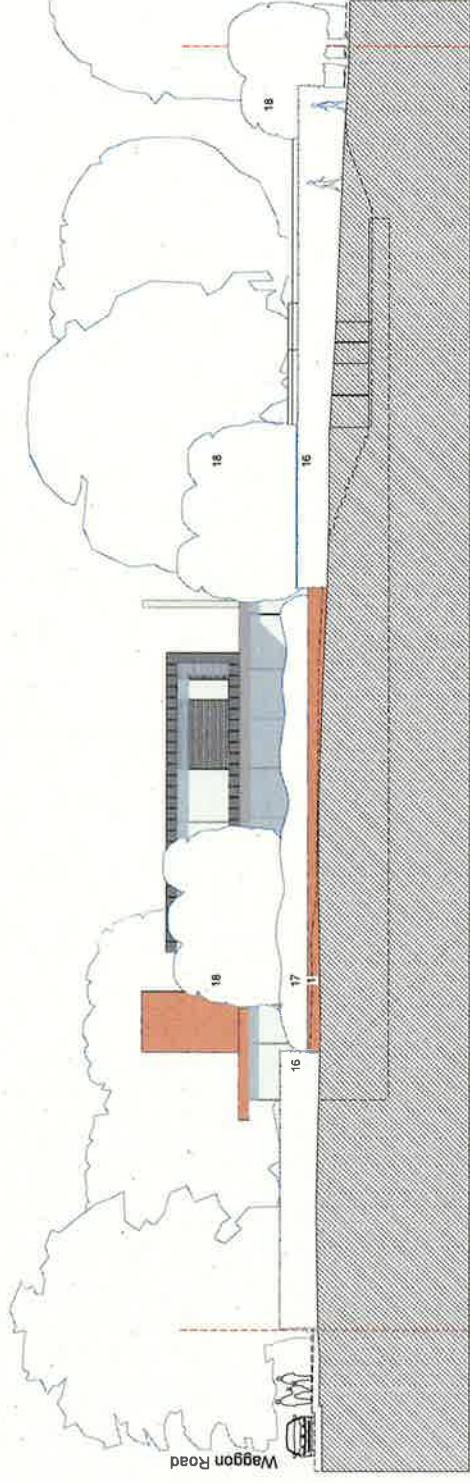
© Lees Munday Ltd
 Elevation drawings are to be taken from
 this covering. All dimensions are to be rounded
 on site before any work is put in hand.

BUILDING MATERIALS KEY:

- 1. Cladding - metal
- 2. Cladding - metal
- 3. Cladding - timber
- 4. Cladding - render
- 5. Metal window frames - clear glass
- 6. Metal window frames - obscure glass
- 7. Timber door and frame
- 8. Balustrade - glass
- 9. Balustrade - metal
- 10. Roof - green
- 11. Roof - membrane

LANDSCAPE MATERIALS KEY

- 12. Paving - permeable block
- 13. Paving - non permeable paving
- 14. Garden walls - brick
- 15. New mill hedges
- 16. Existing hedges
- 17. Ornamental topiary shrubs
- 18. New screening trees
- 19. Existing hedge brought back into management
- 20. Soft landscape



01 East Elevation, viewed from field

01	Final floor position and aspect revised and basement extent	Dr	28 June 2013	Ds
00	Issue for Town Planning	YM	13 May 2013	DL
		Drn	18 Aug 2011	GJ

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Optic Realm

Slopers Pond
 1-3 Waggon Road

**Outline Design F
 Elevation
 East from Field**

Scale: 1:125 @ A1, 1: 250 @ A3

Scale	Author	Checker	Date	Scale
YM	DL		13 May 13	
12-009	3F3-112		01	

TOWN PLANNING

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Figured dimensions only are to be taken from
this drawing. All dimensions are to be checked
on site before any work is put in hand.

BUILDING MATERIALS KEY:

1. Cladding - metal
2. Cladding - metal
3. Cladding - metal
4. Cladding - render
5. Stone sbsel
6. Metal window frames - clear glass
7. Metal window frames - obscure glass
8. Timber door and frame
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10. Balustrade - metal
11. Roof - membrane

LANDSCAPE MATERIALS KEY

12. Paving - permeable block
13. Paving - non permeable paving
14. New mill hedge
15. New mill hedge
16. New screening hedge
17. Ornamental hedge/holrubus
18. New screening trees
19. Existing hedge brought
back into management
20. Soft landscape



01 East Elevation (side)



02 North Elevation (rear)

Plot 10, Sappers Pond and adjacent land to the east of the site and boundary line as shown		DL	28/02/13	DL
02	01	00	00	00
01		01		
00		00		
00		00		
00		00		

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Optic Realm

Sappers Pond
1-3 Waggon Road

Outline Design F
Elevations
North and East

1:125 @ A1, 1:250 @ A3

DL	DL	27 Feb 13	
12-009	3F3-111	02	

TOWN PLANNING

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Figured elevations only are to be taken from the drawing. All dimensions are to be checked on site before any work is put in hand.

BUILDING MATERIALS KEY:

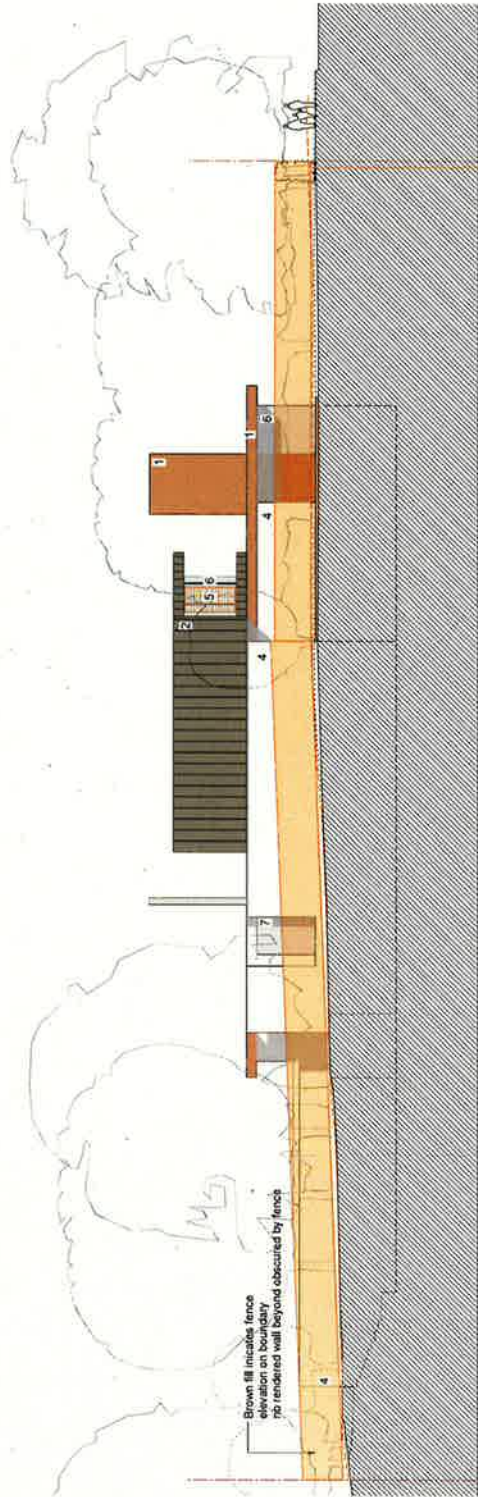
1. Cladding - metal
2. Cladding - metal
3. Cladding - timber
4. Cladding - render
5. Metal window frames - clear glass
6. Metal window frames - obscure glass
7. Timber door and frame
8. Balustrade - glass
9. Roof - green
10. Roof - membrane
11. Roof - membrane

LANDSCAPE MATERIALS KEY

12. Paving - permeable block
13. Paving - non permeable paving
14. Garden walls - brick
15. New fill hedges
16. Existing hedges
17. Ornamental hedge/tubs
18. New screening trees
19. Existing hedge brought back into management
20. Soft landscape



01 South Elevation (front)



02 West Elevation (side)

01
00
00
00

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Client's name
Optic Realm

Site Name
Slopers Pond
1-3 Waggon Road

Site Address
Outline Design F
Elevations
South and West

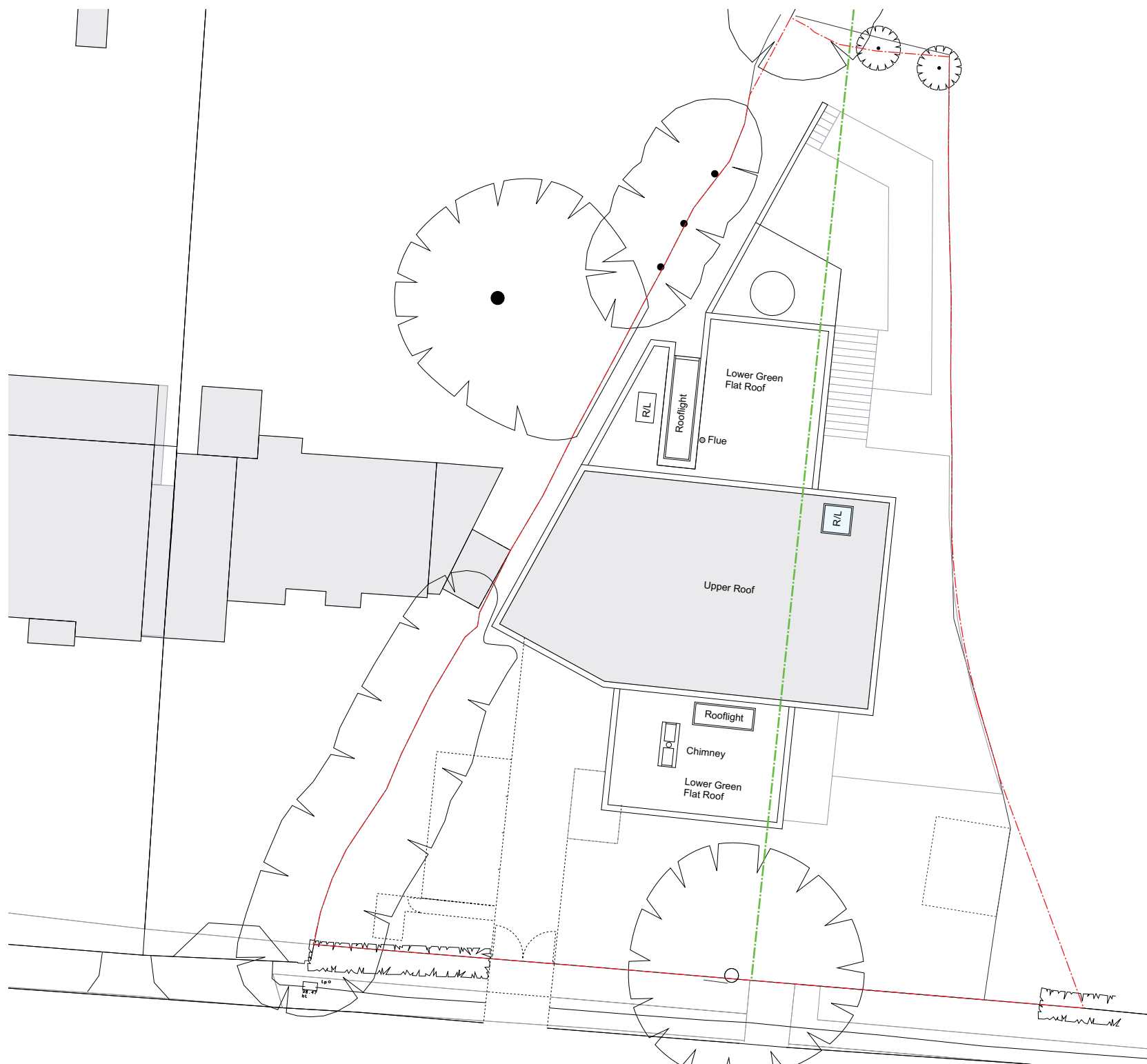
Scale
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01
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TOWN PLANNING



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02	Basement and First Floor Extents	SH	27Aug13	DL
01	Revised			
01	Issued for Town Planning	YM	11May13	DL
00	First Issue	YM	30Apr13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
 1-3 Waggon Road**

Drawing title
**Outline Design F
 Roof Plan**

Scale
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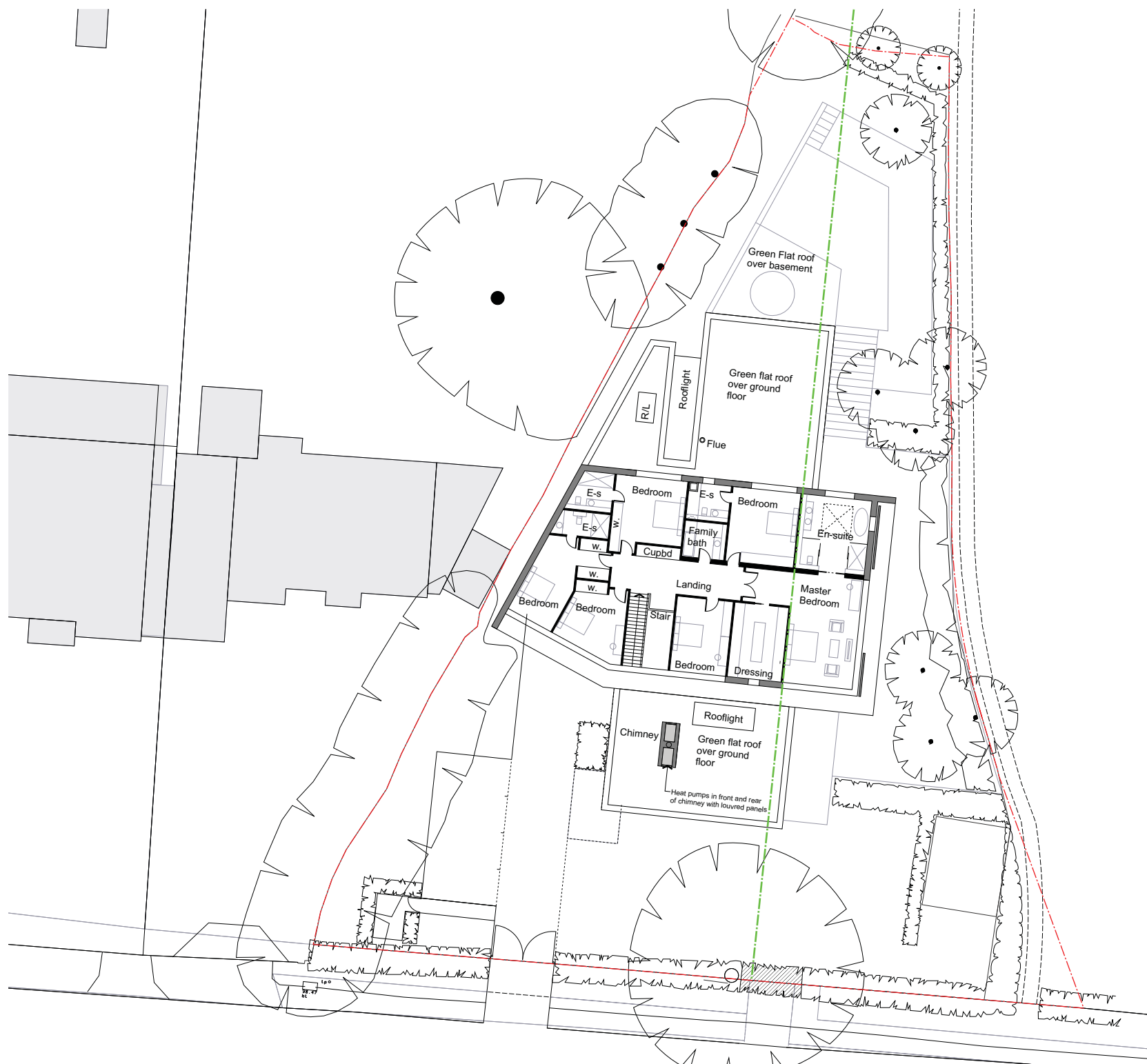
Drawn	Checked	Date
YM	DL	29Apr13

Job No	Drawing No	Rev
12-009	3F2-203	02

Status
TOWN PLANNING



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05	Basement and First Floor Extents	SH	27Aug13	DL
04	town planning comments revision	DL	01Aug13	DL
03	Issued for Town Planning	YM	11May13	DL
02	Master bedroom plan revised	YM	30Apr13	DL
01	Updated for town planning	YM	29Apr13	DL
00	First issue	YM	28Feb13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
 1-3 Waggon Road**

Drawing title
**Outline Design F
 First Floor Plan**

Scale
1:125@ A1, 1 : 250 @ A3

Drawn	Checked	Date
YM	DL	27Feb13
Job No	Drawing No	Rev
12-009	3F2-202	05

Status
TOWN PLANNING



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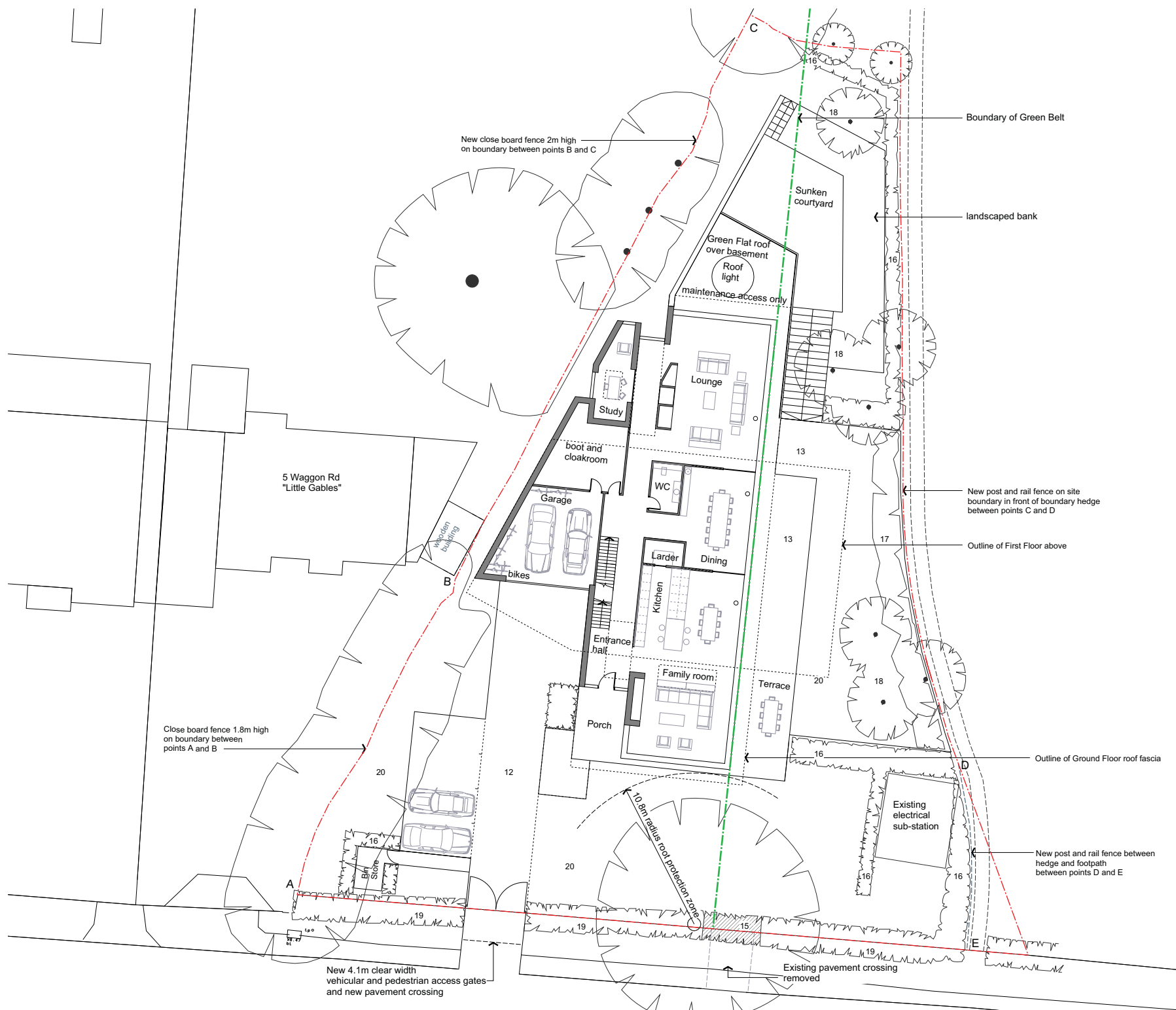
Figured dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand.

BUILDING MATERIALS KEY:

- 1. Cladding - metal
- 2. Cladding - metal
- 3. Cladding - timber
- 4. Cladding - render
- 5. Brise soleil
- 6. Metal window frames - clear glass
- 7. Metal window frames - obscure glass
- 8. Timber door and frame
- 9. Balustrade - glass
- 10. Roof - green
- 11. Roof - membrane

LANDSCAPE MATERIALS KEY

- 12. Paving - permeable block
- 13. Paving - non permeable paving
- 14. Garden walls - brick
- 15. New infill hedges
- 16. New screening hedge
- 17. Ornamental hedge/shrubs
- 18. New screening trees
- 19. Existing hedge brought back into management
- 20. Soft landscape



04	Basement and First Floor Extents	SH	27Aug13	DL
03	Issued for Town Planning	YM	11May13	DL
02	General update	SH	09May13	DL
01	Updated for town planning	YM	29Apr13	DL
00	First issue	YM	28Feb13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
 1-3 Waggon Road**

Drawing title
**Outline Design F
 Ground Floor Plan**

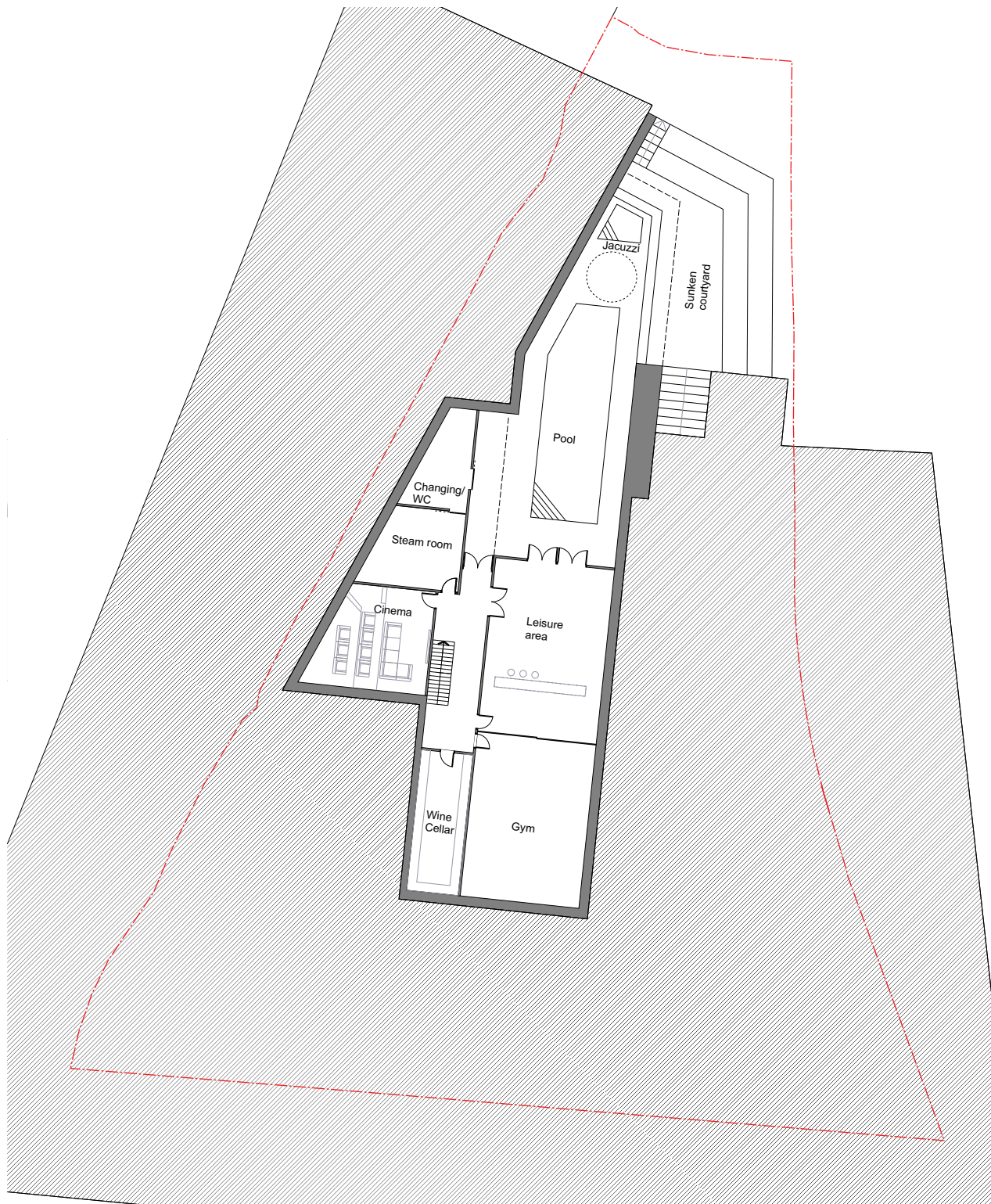
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Drawn	Checked	Date
YM	DL	27Feb13
Job No	Drawing No	Rev
12-009	3F2-201	04

Status
TOWN PLANNING



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02	Issued for Town Planning	YM	11May13	DL
01	Plan updated for town planning	YM	29Apr13	DL
00	First issue	YM	28Feb13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
1-3 Waggon Road**

Drawing title
**Outline Design F
Lower Ground Floor Plan**

Scale
1:125@ A1, 1 : 250 @ A3



Drawn	Checked	Date
YM	DL	27Feb13

Job No	Drawing No	Rev
12-009	3F2-200	02

Status
TOWN PLANNING



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Boundary of Green Belt
 (Green Belt is this side of line)

- Existing buildings in Green Belt: 70 sq m gross external area
- Proposed building in Green Belt: 70 sq m gross external area

04	Basement and First Floor Extents Revised	SH	27Aug13	DL
03	Graphics enhanced for clarity. Areas unchanged. Issued for Town Planning.	YM	16May13	DL
02	Issued for Town Planning	YM	11May13	DL
01	Town Planning issue	YM	29Apr13	DL
00	First issue.	YM	28Feb13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
 1-3 Waggon Road**

Drawing title
**Outline Design F
 Site Plan
 Green Belt Area Comparison**

Scale
1:125@ A1, 1 : 250 @ A3

Drawn
YM

Checked

Date
27Feb13

Job No
12-009

Drawing No
3F1-112

Rev
04

Status
TOWN PLANNING



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KEY:
 Tree root protection zone (indicative)

For full and accurate scope of tree works, read in conjunction with Arboricultural site plan and tree survey



03	First floor extent revised.	YM	28Aug13	DL
02	Issued for Town Planning	YM	11May13	DL
01	Updated for town planning	YM	29Apr13	DL
00	First issue.	YM	28Feb13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
 1-3 Waggon Road**

Drawing title
**Outline Design F
 Site Plan
 Constraints - Opportunities**

Scale
1 : 250 @ A1, 1 : 500 @ A3

Drawn	Checked	Date
YM	DL	27Feb13
Job No	Drawing No	Rev
12-009	3F1-111	03

Status
ILLUSTRATIVE



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03	Basement and First Floor Extents	SH	27Aug13	DL
02	Revised	SH	27Aug13	DL
02	Issued for Town Planning	YM	11May13	DL
01	Updated for TP	YM	30Apr13	DL
00	First Issue	YM	28Feb13	DL
Mark	Revision	Drawn	Date	Checked

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Client's name
Optic Realm

Job title
**Slopers Pond
 1-3 Waggon Road**

Drawing title
**Outline Design F
 Site Block Plan
 Proposed**

Scale
1 : 250 @ A1, 1 : 500 @ A3

Drawn	Checked	Date
YM	DL	27Feb13

Job No	Drawing No	Rev
12-009	3F1-110	03

Status
TOWN PLANNING

CATEGORY AND DEFINITION

Trees unsuitable for retention	
Category U	Trees in such condition that they cannot realistically be retained as living trees in the current land use for longer than 10 years
Trees to be considered for retention	
Category A	Trees of high quality with an estimated remaining life expectancy of at least 40 years
Category B	Trees of moderate quality with an estimated remaining life expectancy of at least 20 years
Category C	Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 100mm

NOTE:

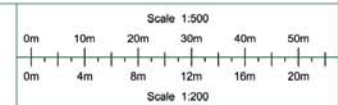
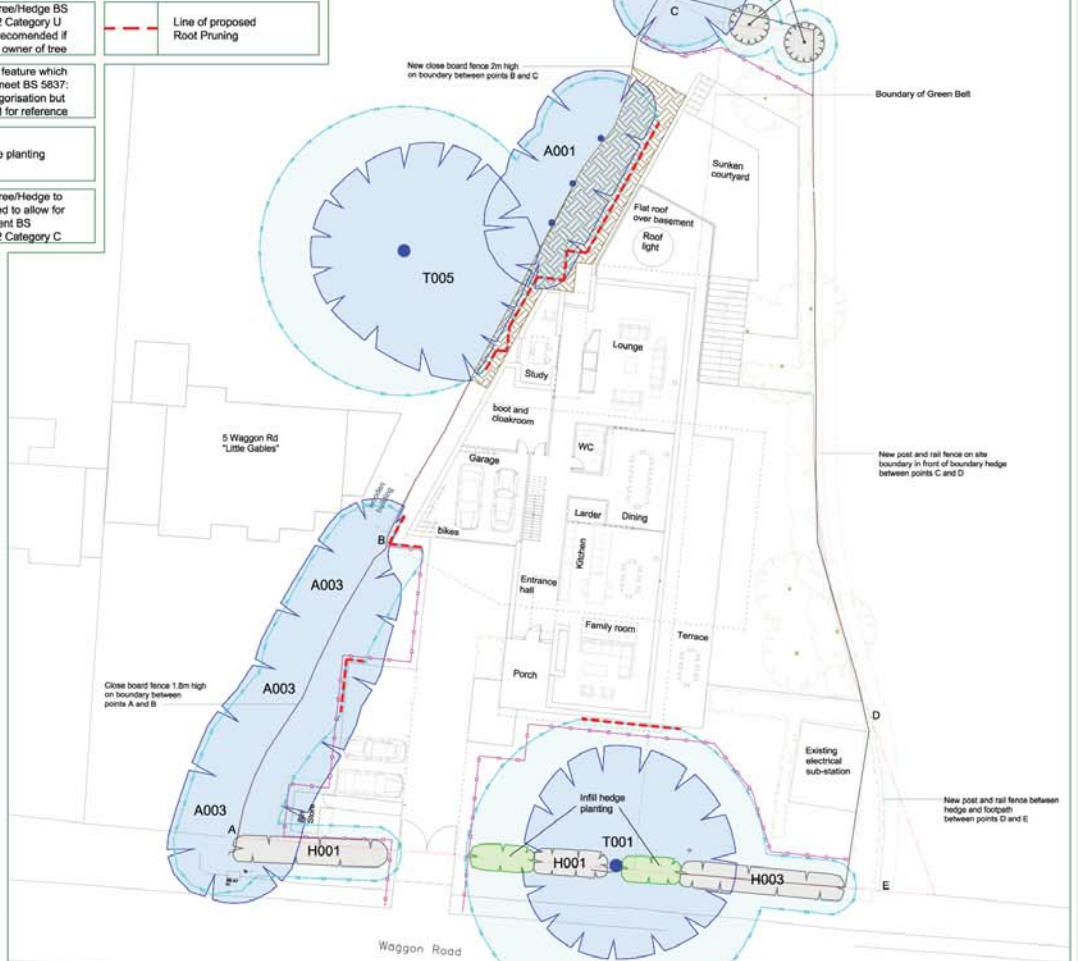
Hayden's Arboricultural Consultants were provided with a Topographical Survey but this did not show the position of all the trees/landscape features on this site. The locations of the additional features have been fixed using GPS. As such the position of the trees/landscape features should not be taken as exact but gives a fair distribution of their locations on site.



Rev	Date	By	Revision
B	28/08/13	KFJ	Based on Lees Munday drawing no 12-009 3P2-201 04
A	18/05/13	AWG	Based on Lees Munday drawing no 12-009 3P2-201 02
-	10/05/13	AWG	Based on Lees Munday drawing no 12-009 3P2-201 02

The position, condition, and dimensions of the trees are based on a site survey undertaken on 25/04/13
 The original of this drawing was produced in colour - a monochrome copy should not be relied upon

	Existing Tree/Hedge BS 5837:2012 Category B		Tree/Landscape Feature to be removed as part of landscape improvement (Allied to development)
	Trees which require crown reduction to facilitate the prospective development		Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category CU
	Existing Tree/Hedge BS 5837:2012 Category C		Line of proposed protective barrier BS 5837:2012 (Demolition phase)
	Existing Tree/Hedge BS 5837:2012 Category CU		Line of proposed temporary protective barrier (see appendix F.3)
	Line of Root Protection Area (RPA) - calculated following guidelines set in BS 5837:2012		Area of temporary Ground Protection
	Existing Tree/Hedge BS 5837:2012 Category U Removal recommended if agreed by owner of tree		Line of proposed Root Pruning
	Additional feature which does not meet BS 5837:2012 categorisation but is included for reference		
	Infill hedge planting		
	Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category C		





Appeal Decision

Site visit made on 25 January 2013

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 14 February 2013

Appeal Ref: APP/Q5300/A/12/2179942

Slopers Pond Cottage, 1-3 Waggon Road, Barnet, Hertfordshire EN4 0PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Opticrealm Limited against the Council of the London Borough of Enfield.
 - The application Ref P12-01172PLA, is dated 2 May 2012.
 - The development proposed is the demolition of the existing house and outbuildings and the erection of a replacement dwelling house, retaining the existing vehicular access.
-

Decision

1. The appeal is dismissed and planning permission is refused for the demolition of the existing house and outbuildings and the erection of a replacement dwelling house, retaining the existing vehicular access.

Main Issues

2. The Council has advised that, had it retained jurisdiction, planning permission would have been refused on the grounds that the proposal would fail to respect the prevailing pattern of development in the area and the character and setting of the adjoining Green Belt, and due to insufficient evidence having been submitted regarding sustainable design and energy efficiency measures. As a portion of the site is within the Green Belt, I consider that the main issues in this case are:
 - (i) whether the proposal would be inappropriate development for the purposes of section 9 of the National Planning Policy Framework (2012) (the Framework) and development plan policy;
 - (ii) the effect of the proposal on the character and appearance of the street scene and countryside; and
 - (iii) whether the proposal would meet sustainable design and energy efficiency objectives.

Reasons

Whether the proposal would be inappropriate development

3. The appeal site comprises a roughly triangular plot of land which is occupied by a derelict house. It is situated at one end of a group of detached houses with a field and open countryside beyond the eastern boundary. The portion of the site between the house and the field, which includes 2 outbuildings and an electricity substation, is within the Green Belt.
4. The Council has undertaken a review of the Green Belt boundary to inform the emerging Development Management Development Plan Document. The review, which has been subject to consultation, recommends that the boundary is amended so that none of the appeal site would be within the Green Belt. This reflects the fact that the site has become a single parcel of land with a clear boundary between it and the field. In my judgement, the proposed boundary change would be consistent with paragraph 88 of the Framework which states that, when defining Green Belt boundaries, local planning authorities should, amongst other matters, define boundaries clearly, using physical features that are readily recognisable and likely to be permanent and not include land which it is unnecessary to keep permanently open. I therefore attribute significant weight to the proposed Green Belt boundary change.
5. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt is inappropriate. A number of exceptions to this are identified including proposals involving the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
6. The proposal would comprise the replacement of all the buildings on the site with a large detached house, part of which would be within the Green Belt as currently designated. This portion would be approximately the size of the outbuildings that would be replaced. Therefore, and having regard to the proposed boundary change and the purposes of the Green Belt as set out in the Framework, I conclude that the proposal would not be inappropriate development. In my judgement it would accord with the aims of Core Policy 33 of the Enfield Plan Core Strategy 2010-2025 (2010) (EP).

Character and appearance

7. Waggon Road is bordered by large detached houses set back a significant distance behind their front boundaries. This gives the road a relatively spacious and verdant character, a matter to which I attach significant weight.
8. The proposal would incorporate high quality materials and would be an interesting piece of contemporary design. However, it would also be a building of substantial site coverage and bulk, a large proportion of which would be forward of the prevailing building line. Although the existing dwelling is sited forward of the building line, it is an element of modest size situated on a predominately open site. By contrast the proposal would enclose this portion of the street in a manner that would not, in my judgement, reflect the character of the road or address the transition between the urban edge and the countryside. Due to its siting and height, which would rise to 3 storeys next to 5 Waggon Road, I also consider that the proposal would sit uncomfortably next to No. 5.

9. For these reasons I conclude that, due to its siting, height and bulk, the proposal would have an unacceptable effect on the character and appearance of the street scene. It therefore fails to comply with Policy (II) GD3 of the Enfield Unitary Development Plan (1994) (UDP) which seeks to ensure that all developments reflect the best aspects of the character of the area with regard to, amongst other matters, siting, layout, alignment, spacing and site coverage. It is also contrary to EP Core Policy 30 which seeks to maintain and improve the quality of the built environment, and the broad aims of Policies 7.4 and 7.6 of the London Plan (2011) (LP).
10. The appeal site is situated on the edge of an area of low density suburban housing which is bordered by high quality undulating countryside. I note that the proposal would incorporate materials of muted colour and would be set in the context of large neighbouring houses and mature trees. However, it would also be a substantial building located in a relatively exposed position next to fields and would be a prominent element in views from the nearby public footpath, from Waggon Road and from some points further afield. In my judgement, due to its siting, height, bulk and footprint, it would be an unduly prominent and intrusive element in the landscape which would have an unacceptable effect on the character and appearance of the surrounding countryside.
11. For this reason the proposal also fails to comply with UDP Policy (II) G20, which seeks to ensure that new development in proximity to the Green Belt or visible from it, does not increase the visual dominance and intrusiveness of the built-up area.

Sustainable design and energy efficiency

12. Core Policy 4 of the CS states that new housing developments should, amongst other matters, take account of the sustainable design and construction guidance set out in the London Plan and should seek to exceed Code for Sustainable Homes Level 3. CS Core Policy 20 requires all new developments, to address the causes and impacts of climate change by, amongst other things, minimising energy use and supplying energy efficiently. The Council has indicated that, had it retained jurisdiction, the planning permission would have been refused due to insufficient evidence having been submitted to enable it to assess these matters.
13. The evidence before me suggests that the proposal would be a high specification dwelling that has been designed to meet where possible, and in some respects to exceed, the aforementioned policy objectives. I am also satisfied that these objectives could be secured via the imposition of planning conditions, which is recognised by the Council. For these reasons I conclude that the proposal would accord with the aims of CS Policies 4 and 20.

Other Matters

14. The vehicular access point would be close to a mature oak tree, which is the subject of a Tree Preservation Order, and a large proportion of the root protection area of this tree would be occupied by driveway. Although the Council's Tree Officer has expressed concerns about this matter, the Council has suggested that it could be overcome by the imposition of a planning condition requiring the approval of a revised scheme for the access, parking

and hard surfacing that should seek to ensure that the root protection area is not covered by hard surfacing. Whilst this may be sufficient to avoid harm to the tree, the need for such a condition and the concerns expressed by the Tree Officer indicate that the siting and layout of the proposal has failed to fully take into account this constraint. This, together with other concerns raised regarding existing trees and the lack of potential for landscaping, compound my views in respect of the second main issue.

15. I am satisfied that the proposal would not result in an unacceptable degree of light pollution or overlooking, or unduly reduce natural light to, or outlook from, No. 5. In my judgement therefore the proposal would not have an unacceptable effect on the living conditions of the occupiers of this property.

Conclusion

16. Although I have concluded that the proposal would not be inappropriate development in the Green Belt and would meet sustainability and energy efficiency objectives, for the reasons set out under the second main issue, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR