

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 26 April 2016

ADDENDUM REPORT of Assistant Director, Planning, Highways & Transportation

Contact Officer:
Andy Higham
Andy Bates
Mr S Newton

Ward: Grange

Ref: P13-03636PLA

Category: Householder Developments

LOCATION: 36 WALSINGHAM ROAD, ENFIELD, EN2 6EY

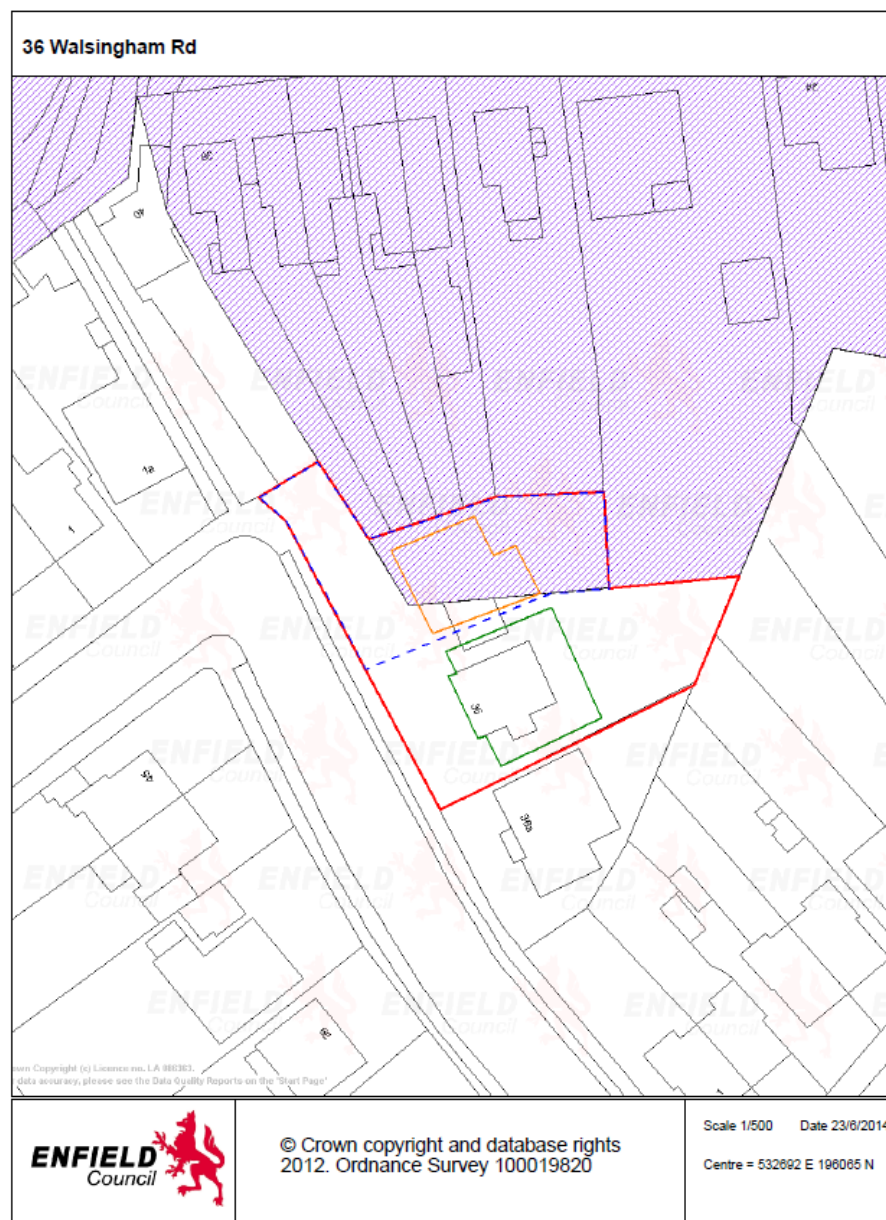
PROPOSAL: Subdivision of site and erection of 1 x 2 storey 4 -bed dwelling incorporating access to Walsingham Road.

Applicant Name & Address:
Mr Kevin Fitzgerald
36, WALSINGHAM ROAD,
ENFIELD,
EN2 6EY

Agent Name & Address:
Andy Meader
Pegasus Group
Abbey House
Grenville Place
Bracknell
Berkshire
RG12 1BP

1. Addendum Report

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



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

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

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

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