



Appeal Decision

Site visit made on 4 June 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2019

Appeal Ref: APP/Q5300/W/19/3223117 3 and 4 Walmar Close, Enfield EN4 0LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Roce Developments Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/00110/OUT, dated 10 January 2018, was refused by notice dated 31 October 2018.
 - The development proposed is described as an "application to consider the possibility of demolishing numbers 3 and 4 Walmar Close, 2 single family dwellings and the construction of 12 new apartments with basement parking. The residential accommodation will be set over basement, ground and first floors with a further floor set in the roofscape, with between 2 and 4 apartments per floor. The proposed mix is 4 No: 3-Bedroom and 8 No: 2-Bedroom".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Roce Developments Limited against the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matters

3. Plans have been submitted which show details of how access could be facilitated, and the proposed development laid out. Furthermore, illustrations have been provided showing how the proposal could look. However, the application was submitted in outline with all matters reserved for future consideration. As such, I have considered the plans solely on the basis that they have been submitted for indicative purposes, though I note that there was a change in the dwelling mix during the course of the planning application to 10 no. 3 bedroom flats and 2 no. 2 bedroom flats. I have determined the appeal on this basis.
4. The address stated on the planning application form refers solely to 3 Walmar Close. However, it is clear from the submitted plans that the appeal site also includes 4 Walmar Close. The Council and interested parties considered the proposal on this basis and so have I. For clarity, I have amended the address above to reflect this.
5. As part of the documentation lodged with the appeal, the appellant company has provided an updated version of the Foul and Surface Water Drainage

Strategy. The appellant company informs me that this revision (Rev A, dated 26 February 2019) is an addendum to a report that was considered by the Council during their consideration of the planning application. That said, the updated document was not considered by the Council prior to their decision to refuse planning permission. Nor was the document subject to public consultation. Thus, whilst the publication of the documentation may have been delayed by matters outside the appellant company's control, the appeal process should not be used to evolve a scheme. In the interests of fairness and natural justice, I have considered the appeal based on the Foul and Surface Water Drainage Strategy, dated 24 September 2018 (Drainage Strategy) which the Council considered in reaching their decision.

Main Issues

6. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; (ii) whether or not adequate arrangements are made for the disposal of surface water from the site; (iii) the effect of the proposal on the provision of affordable housing and education in the area; and (iv) the effect of the proposed development on highway safety, with regards to vehicular and pedestrian access, cycle parking, refuse storage and servicing.

Reasons

Character and appearance

7. The site comprises of 3 and 4 Walmar Close, two large two-storey detached dwellings located on a private road off Beech Hill in Hadley Wood. The site has a north-south orientation and a natural slope from northwest to southeast. The Close is largely concealed from Beech Hill and the public realm. The private road serves seven residential properties that back onto Hadley Wood Golf Course. The land has an undulating topography with a significant fall from the front of the properties to the rear. Trees found on the site are protected by a Tree Preservation Order. To the rear of the site is the Green Belt.
8. There is no dispute between the main parties that the proposal would provide family-sized housing which is said to be in demand in the area. The proposal would satisfy the mix found in Core Policy (CP) 5 of The Enfield Plan Core Strategy 2010-2025 (Core Strategy). Policy 3.4 of The London Plan also explains that development should optimise housing output for different types of locations within the relevant density range in Table 3.2. There is no issue with the proposal insofar as density, but Core Strategy Policy CP5 and LP Policy 3.4 both require development proposals to take into account local context and character, and balance this against the need for the most efficient use of land.
9. Despite the Council's acceptance that the indicative plans show a development of an acceptable scale, mass and design, this outline application has been made on the basis that all matters reserved for future consideration. Even so, having regard to properties in the area, there is no reason why a building on the site could not be designed so that it would respond to the character and appearance of the area. That said, character is not just about how a place looks, it is about how it functions.
10. Walmar Close is a quiet private road comprising of a handful of a low-density large detached dwellings that are accessed through secure electronic gates. The proposed development would replace two existing family-sized dwellings

with 12 units which would predominately provide family-sized accommodation. But, in doing so, around 28.5% of all the properties on Walmar Close would be flatted development. Moreover, as Nos 3 and 4 are next door to one another, the proposal would mean that more than one out of a consecutive row of five units would be converted into flats. Consequently, I agree with the appellant company that the proposal would not accord with Policy DMD 5 of the Development Management Document (DMD).

11. Twelve flats would result in a considerable increase in the number of occupants living on the site. Although each unit would be unlikely to be occupied to the maximum, the Council reasonably estimate the quantity of future occupants to be around 44 no. people. This alone would represent a significant uplift in comings and goings compared to the existing family dwellings on the street. Regardless of the design of any building on the site, the proposal would result in a considerable step change to how the site and Walmar Close functions as a quiet suburban residential street with a handful of large detached properties within a gated community. I therefore share the concerns raised about the proposed number of properties being an overdevelopment of the site which would be out of keeping with the character of the area.
12. I note the car park scheme¹ at Hadley Wood Golf Club, but movements to and from the appeal site would be closer to neighbouring properties than the car park which would be beyond a bank of mature trees. I do not consider the circumstances to be directly comparable to the proposed development.
13. I conclude, on this issue, that the proposed development would cause significant harm to the character and appearance of the area. Conflict would therefore arise with Core Strategy Policy CP5, DMD policies DMD 5, 6 and 8 and LP Policy 3.4; which collectively seek, among other things, development to take account the context and pattern of the surrounding area, so that it does not harm the residential character of the area or result in an excessive number of clustering of conversions.

Surface water

14. Policy DMD 61 explains that a drainage strategy will be required for all developments to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the LP. All developments must maximise the use of and where possible, retrofit Sustainable Drainage Systems (SuDS) and meet requirements within the categories of: suitability, quantity, quality, functionality and other. Core Strategy policies CP21 and CP28 confirm that SuDS will be incorporated within new developments, to manage surface water runoff. LP Policy 5.13 is consistent with this approach.
15. In refusing planning permission, the Council highlighted several issues associated with the categories set out in Policy DMD 61. The Drainage Strategy identified the geology beneath the site, but no site investigation or soakaway testing has been undertaken for the site ('suitability'). Even if I accepted the appellant company's point that they cannot be undertaken until the site is cleared, no clear ownership, management and maintenance arrangements have been established ('functionality'). No specific source control SuDS measures have been identified and the appellant company does

¹ Council Ref: 18/00782/FUL

not dispute the Council's view that a SuDS Management Train has not been utilised for the whole site ('quality'). Hence, even if surface waters drained to the public sewer at a rate that would be a betterment over that of the existing, the Drainage Strategy does not provide adequate information to demonstrate how the proposal would manage surface waters. Even though the appellant company explains that the suggested planning conditions provided by the Council are poorly written, incomplete and contain errors, there is no planning condition before me that provides me with sufficient confidence that the highlighted issues could be resolved. The information sought is particularly key given the proposed increase in impermeable area on the site.

16. As such, the adequate arrangements have not been made for the disposal of surface water from the site. The proposal would not accord with DMD Policy DMD 61, Core Strategy policies CP21 and CP28 and LP Policy 5.13; which jointly seek a drainage strategy to be submitted for all development which should utilise SuDS unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy in the LP.
17. Although LP Policy 5.12 is referred to by the Council, this policy is not relevant to this main issue as not in an area at risk of flooding.

Affordable housing and education

18. Core Strategy Policy CP3 and Policy DMD 1 require developments of the scale proposed to provide 40% affordable housing. Affordable housing should be delivered on-site unless in exceptional circumstances. The mix of affordable housing should reflect the need for larger family units as required by Core Strategy Policy CP 5. Core Strategy Policy CP46 explains that affordable housing has the highest priority for the Council, whilst learning and skills are categorised as 'other priorities'. However, the Section 106 Supplementary Planning Document (SPD) recognises that where development viability is affected, the applicant will be required to submit an affordable housing viability assessment. LP Policy 3.12 seeks the maximum reasonable amount of affordable housing to be sought when negotiating on individual private residential and mixed-use schemes.
19. The main parties have engaged on the viability of the appeal scheme. This resulted in exchanges between relevant professionals and the production of multiple reports. Dispute remains about whether the Benchmark Land Value should include a premium for the landowner on top of the Existing Use Value. However, if I take the appellant company's most up-to-date evidence², then the appeal scheme would allow a maximum reasonable amount of £252,683 to be offered as a contribution towards affordable housing. Monies for an education contribution, the Community Infrastructure Levy (CIL) and the management of a planning obligation would also be accounted for.
20. Having regard to the evidence before me, there seems to be a need for the contribution sought by the Council that satisfy the three tests in CIL Regulation 122 and Framework paragraph 56. The appellant company confirmed their intention to submit a planning obligation to secure monies towards affordable housing and education. I note points about a 'claw back' mechanism, but there

² Affordable Housing Viability Report, dated 18 September 2018

is no planning obligation before me to secure these contributions.

21. On this issue, I conclude that that the proposal would not make provision for affordable housing and education in the area. As a result, the proposal would conflict with Core Strategy policies CP3 and CP46, DMD Policy DMD 1 and LP policies 3.10, 3.11, 3.12, 3.13 and 8.2; which jointly seek developments of the scale proposed to contribute the maximum reasonable amount towards affordable housing and education provision in the area.

Highway safety

22. In refusing planning permission, the Council considered that insufficient information was provided with regards to vehicular and pedestrian access, cycle parking, refuse storage and servicing arrangements to demonstrate that the proposed development would not have an adverse effect on highway safety and traffic flows.
23. Access is a reserved matter and the Council's concerns relate to detailed aspects of how the site could be developed. However, it is evident that the proposal would no doubt increase the use of the existing vehicular and pedestrian access, but two-way vehicle movements are possible and the pedestrian footway is lit to Beech Hill. There is no reason why a scheme could not be designed to allow two-way vehicle movements from the site onto Walmar Close whilst providing visibility in either direction. Added to this, I consider an accessible scheme could be designed so that vehicular and pedestrian movements take into account the site's ground levels.
24. Even with the site's very low Public Transport Accessibility Level, indicative plans confirm that the site has the potential to accommodate car parking provision in excess of the maximum parking standards found in the LP.
25. Cycle parking and refuse storage would be needed for the proposed apartments. However, there is sufficient scope, given the size, shape and topography of the site to ensure that these could all be accommodated within the site, and be of an appropriate design, subject to planning conditions to inform the consideration of any reserved matters scheme. In terms of refuse collection, the Council say that the existing dwellings are assumed to be serviced from the kerbside with bins moved by the occupants to the kerb for collection. It is unclear whether bins are moved to Walmar Close or Bourne Hill. The indicative plans indicate that refuse would need to be moved a short distance to Walmar Close. The distance would be greater in respect of Bourne Hill, but possibly no different to the existing arrangements, save for the quantity of refuse to be moved. In any event, precise arrangements for the collection of refuse could be provided with any reserved matters scheme, and a planning condition could be imposed so that the arrangements are safe, convenient and fully accessible.
26. I conclude, on this issue, despite my findings on the first main issue, that the proposal would not, in its outline form with all matters reserved result in harm to highway safety, with regards to vehicular and pedestrian access, cycle parking, refuse storage and servicing. Hence, the proposal would accord with Core Strategy policies CP22, CP24 and CP25, DMD policies DMD 45, 46 and 47, and LP policies 6.9, 6.10 and 6.13. Jointly, these policies seek, among other matters, development to not adversely impact on highway safety and the free flow of traffic; provide car and cycle parking in line with maximum standards;

provide a high-quality and safe pedestrian environment; and adequate, safe and functional provision for servicing.

Other matters

27. While concerns are raised with the Council's approach and timeliness in determining the planning application, my findings relate to the evidence before me. I note the appellant company's reference to numerous draft London Plan (dLP) policies, but I have not been provided with copies of these policies, and I am unclear whether there are any unresolved objections to them. In any event, based on the parties' evidence the dLP policies do not appear to have been adopted. I have therefore determined the appeal in accordance with the development plan, unless material considerations indicate otherwise.

Conclusion

28. This revised proposal would contribute to the supply of family-sized housing in the area, thereby widening housing choice. There is no reason why a scheme could not be designed to ensure that there would be no harm to neighbouring residents living conditions, trees and biodiversity. I have also found no harm from the proposal in terms of highway safety, but these matters are, however, outweighed by the harm that I have found in relation to the scheme's impact on the character and appearance of the area, surface water and affordable housing and education.

29. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR