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## Appeal Decision

Site visit made on 22 August 2017

by

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

Decision date: 18<sup>th</sup> September 2017

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### Appeal Ref: APP/Q5300/W/17/3176938

### 21 and rear of 23 and 25 Lancaster Avenue, Barnet EN4 0EP

- 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 Ben Weinberg against the decision of the Council of the London Borough of Enfield.
  - The application Ref 17/00436/FUL, dated 31 January 2017, was refused by notice dated 12 April 2017
  - The development proposed is described as demolition of detached garage at side, construction of access road and erection of 4 x 4 bed semi-detached dwellings at rear with accommodation in roof, integral and detached garages.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the site address from the Council's decision notice above as this accurately describes the extent of the appeal site.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Hadley Wood Conservation Area.

### Reasons

#### *Character and appearance*

4. The appeal site is situated on the northern side of Lancaster Avenue within the Hadley Wood Conservation Area ('the HWCA'). The Hadley Wood Conservation Area Appraisal ('the CAA') summarises the special interest of the HWCA as deriving from its historic significance in the development of the Borough of Enfield, its survival in largely original form as the original vision of Charles Jack, its street greenery, the spacious feel of the area, the discipline of the planned layout, the architectural style and quality of the design, materials and detailing of the buildings.
5. Dwellings on the northern side of Lancaster Avenue, including the host dwellings for the appeal site, comprise pairs of substantial semi-detached houses set back from the road with generally long rear gardens. This layout, in its relatively unaltered form, and the contribution the appeal site makes to it, is an integral part of the special interest of the HWCA as a designated heritage asset.

6. Nos 27 to 33 Lancaster Avenue display similar siting but have shorter rear gardens due to the presence of a residential development on Douglas Close, accessed off Duchy Road. The difference in garden size of this small number of dwellings does not significantly dilute the overall relatively unaltered layout of the HWCA.
7. Front and rear gardens of dwellings on Lancaster Avenue accommodate many mature trees. Vegetation within and at the end of the rear gardens are visible through the gaps in between dwellings, forming a verdant backdrop to the street scene. This greenery also plays an important part in defining the special interest of the HWCA.
8. The proposal would significantly alter the garden settings of the host dwellings through their fragmentation. This would not reflect, and consequently be harmful to, the historic pattern of development in the area which is one of the defining factors of the HWCA. Although the visual effect of the proposal, when viewed from Lancaster Avenue, would be limited by the lower level of the appeal site, the effect would nevertheless be apparent. It would be emphasised by the new view created through the proposed access drive.
9. I note the appellant's reference to Douglas Close in support of the proposal. Based on information in the main parties' evidence, the first part of this development received planning permission in 2006. It was approved under a different development plan and a different set of national policy and guidance. This development substantially post-dates the development that defines the special interest of the HWCA and is not characteristic of it. The contrast with the historic pattern of development is in my view harmful to the character and appearance of the HWCA. Its presence does not therefore justify extending the harm to the HWCA through approval of the appeal proposal.
10. A difference in ground levels would mean that vegetation within and at the end of rear gardens of the host dwelling would remain partly visible. Although the appellant states that all trees perceptible between the gaps between the dwellings on Lancaster Avenue will be retained, the higher levels of the proposed dwellings would be visible as an intervening feature. This would detract from the verdant backdrop that contributes to the character and appearance of the HWCA.
11. In light of the above I conclude that the proposal would introduce a form of development that would be harmful to the spacious and green character and appearance of the area that makes an important contribution to the HWCA. Consequently, it would fail to preserve the character and appearance of the HWCA. The proposal would therefore conflict with Policies 7.1, 7.4 and 7.8 of the London Plan adopted 2015 ('the London Plan'), Policies 30 and 31 of the Enfield Plan Core Strategy adopted 2010 ('the Core Strategy') and Policies DMD7, 37 and 44 of the Enfield Development Management Document adopted 2014 ('the DMD'). These seek to ensure that development proposals protect local character and appearance including the historic environment.
12. The scale and appearance of the proposed dwellings would be similar to other dwellings in the area. Taking account of the plots sizes of the proposed dwellings and their separation distances from existing dwellings, I consider that overall, the proposal would not result in an overbearing form of development. In this respect, the proposal would not conflict with Policies 7.1, 7.4 and 7.8 of

the London Plan, Policies CP30 and 31 of the Core Strategy or Policies DMD6,7,8,9,37,and 44 of the DMD.

13. Whilst the proposal would fail to preserve the character and appearance of the HWCA it would not result in the total loss of a designated heritage asset. I therefore conclude that the harm would be less than substantial. Paragraph 134 of the National Planning Policy Framework ('the Framework') states that where harm is less than substantial this should be weighed against the public benefits of the proposal.
14. I have had regard to the range of benefits arising from the proposal identified by the appellant. These include the provision of four new dwellings in a generally suitable location, their contribution towards the local economy including employment, skills training, new homes bonus and council tax. The limited duration of some of these benefits and the limited extent of others would not be sufficient to outweigh the harm to the HWCA I have identified.
15. The appellant and the Council disagree over the existence of a five year housing land supply for the borough. I have insufficient information to conclude on this matter. If I were to conclude that the borough did not have a five year housing land supply the provisions of paragraph 14 of the Planning the Framework would be triggered. This requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
16. I am required to give considerable importance and weight to the desirability of preserving or enhancing that character and appearance of the HWCA, as a designated heritage asset. Even though the identified harm to the significance of the heritage asset is less than substantial, this does not equate to a less than substantial planning objection. That harm still significantly and demonstrably outweighs the limited nature of the social and economic benefits identified.

#### *Other matters*

17. I note interested parties concerns including effects on car parking, congestion, refuse collection, drainage, generation of noise and disturbance and loss of privacy and outlook. However given my conclusion above it is not necessary for me to consider these matters further.

#### **Conclusion**

18. Although I have concluded that the proposal would not result in an overbearing form of development, the harm to the character and appearance of the HWCA and subsequent conflict with policy justifies the refusal of planning permission.
19. I note the previous appeal on the site considered under Ref APP/Q5300/W/16/3147321 and the appellant's concerns over its conclusion. I have considered this appeal on its own merits based on the evidence before me and have arrived at the same conclusion as my colleague.
20. For the above reasons, and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

INSPECTOR