

DESIGN AT APPEAL EXAMPLE

This paper reproduces the Inspectors decision and some of the written evidence presented by the Council. The scheme is a small infill residential block on the edge of a conservation area and town centre.

Clear links between the 2 can be seen, for example in the way both the evidence and the inspector consider if the proposal followed the principles set down in the design appraisal.

If you would like to see some of the application drawings they can be found on the council's on line application database which can be found at:

<http://www.enfield.gov.uk/Environment/planning/Planning%20Applications/Viewing%20Existing%20Applications/Search%20for%20Applications%20Online.htm>

The application number is TP/06/0185.



Appeal Decision

Site visit made on 9 January 2007

by J D S Gillis BA(Hons) MRTPI

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

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Date: 16 January 2007

Appeal Ref: APP/Q5300/A/06/2023391

4-12 Windmill Hill, Enfield, EN2 6SA

- 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 Phase 4 Developments Limited against the Council of the London Borough of Enfield.
- The application, Ref TP/06/0185, is dated 27 January 2006.
- The development proposed is the construction of 10 No. 2 bedroom flats with 12 car parking spaces.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal site adjoins a designated conservation area where the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special consideration be given to the desirability of preserving or enhancing the character or appearance of the area. Further national policy guidance is given in Planning Policy Guidance 15, *Planning and the Historic Environment* [PPG15].
2. The Council has stated that the proposal satisfies development plan policies in relation to traffic, parking, access, density, privacy and the provision of amenity open space.

Main Issue

3. Accordingly, from the representations received and my inspection of the site and surrounding area I consider that the main issue in this case is whether the design of the proposed development is acceptable in relation to the character and appearance of the area and the setting of the adjacent conservation area.

Planning Policy

4. Various policies of the London Borough of Enfield Unitary Development Plan, adopted in 1994 [UDP], have been referred to, and those most relevant to the issue include C30, (I)GD1, (I)GD2 and (II)GD3. These seek to ensure that new buildings immediately adjacent to conservation areas reflect, replicate or complement the traditional characteristics of the area, and that all development should have appropriate regard to their surroundings, improve the environment in terms of quality of life and visual amenity, and are of a high standard of aesthetic and functional design and reflect the best aspects of the character of the existing area.
5. Policy 4B.1 of the Spatial Development Strategy for Greater London, adopted in 2004, [The London Plan] sets out design principles for development, including respecting the local

1. LOCATION AND DESCRIPTION OF APPEAL SITE

- 1.1 The site comprises approximately 0.09 ha of land situated on the south side of Windmill Hill at its junction with Shirley Road and opposite Chase Green.

Appendix 1 - site location plan.

- 1.2 The site lies in a prominent position opposite the Enfield Town Conservation Area.

Appendix 2 – Conservation Area plan.

2. PLANNING HISTORY RELEVANT TO THIS APPEAL

- 2.1 TP/90/1362/REN1 – Erection of office block (renewed in September 2005).

3. Summary of policy context

- 3.1 Looking at PPS1 and 3, the characteristics of a well designed place as explained in By Design, and London Plan policy 4b.1, it is clear that strategic policy requires development to improve the character and function of an area. Key to this is the need for development to respond to its context, so that it is designed with its own site and setting in mind. This approach is reinforced by PPG15 which calls for development to preserve or improve the character and quality of conservation areas.
- 3.2 The council considers that the key policy test is from PPS1 – which says that *'Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted'*. The site may be vacant at the moment, but as the applicants explain themselves, the site, and its context, provides a number of opportunities to improve the character, appearance and function of the area. However the proposed design does not fulfil these opportunities and as such does not meet PPS1 policy and the Council considers that it should be refused.
- 3.3 PPS1 also calls for good design, and can be interpreted to set the test – -sk if the design is good enough to approve rather than if it is bad enough to refuse. The Council feels that the current proposal is not good enough to approve.
- 3.4 It should be noted that there is existing, live permission to build an office block on the site of similar design to the proposal. This was first submitted

and assessed in 1990, and subsequently renewed several times, lastly in 2005 shortly after PPS1 was published. The Council acknowledges that it should have applied PPS1 tests more stringently than it did to the renewal. The Council asks the Inspector to recognise that it takes some time for all processes to take on board new policy, and that they are now trying to uphold the need for good design more stringently. As such the Inspector is respectfully asked to support the council as they push for better design standards in their Borough.

4. Assessment of the Design

- 4.1 The application is accompanied by a Planning and Design Appraisal document (similar to the now required design and access statement) for the site, and an explanation of the urban form and key principles.

The opportunities listed include:

- signalling the entrance to Enfield Town,
- creating a corner feature at the road junction,
- creating attractive views of the site from important approaches,
- enhancing the setting of the adjacent Court House and
- creating activity to the street frontages of both Windmill Hill and Shirley Road.

- 4.2 These opportunities seem to have been taken forward into the urban form and key principles original proposal in as far as it suggests;

- a strong corner element to the building with subsidiary, progressively lowered roofed wings along Windmill Hill and Shirley Road;
- active street frontages but with 'defensible space' with landscaping and metal railings separating the building from the streets.

- 4.3 The Council does not dispute the opportunities the applicant lists, and agrees that these are important objectives for the development of the site. However it is considered that a key opportunity has been overlooked by the applicant. That is, to create a good, contemporary building of high architectural standards to sit alongside the good quality buildings from past ages that dominate this area. (See section below on architectural style for more discussion of this issue)

- 4.4 In terms of the applicants design response to the opportunities identified, the Council consider that the proposed building does not meet the applicant's own objectives. The Urban Form and Key Principles diagram provided does show a strong corner feature for the building. Similarly, the elevational treatment and massing diagrams show 3 very clear steps in

- building height from the Court House to Shirley Road, and a clearly prominent, protruding corner portion of the building. However the actual original proposed design, shown just 2 pages later, does not show such a design, but a half hearted corner gable which would be dominated by the bulky roofs and dormers running from it. It is also clear that the level change down Windmill Hill has not been properly considered or dealt with. It is interesting to note that the indicative drawing shown on the front of the Planning and Design Appraisal document shows the building on a flat site and so gives a misleading impression as to the impact of the building. Photograph (B) 'view of site before demolition' within the document gives a much better indication of the actual gradient while the north east elevational drawing shows how far the ground floor will actually be raised above street level before the building steps down towards the courthouse.
- 4.5 Similarly, although the applicant explained that creating good views into the site from the surrounding area was an opportunity, they propose an entirely blank flank wall next to the court house on Windmill Road. Considering the level change along this road and the forward position of the proposed building compared to the Court House, this wall would be very prominent in the area and would do nothing to improve its appearance, character or functioning. In the same way although a corner feature is proposed between Windmill Hill and Shirley Road it is not a strong or particularly attractive feature and will not create a strong focal point.
- 4.6 Not only do these, and other design flaws show that the original proposal did not meet the requirement of PPS1 to be of good design and improve the area, they show a significant failing in the design process the applicants have followed. To jump from a relatively well thought out contextual appraisal to a design which does not follow that appraisal shows that either the final designers of the scheme had nothing to do with earlier parts of the design process, and did not take notice of them; and/or that the internal layout of the flats took precedent and the resultant bulk, shape and appearance of the building was seen as unimportant. Designs based on such a process do not normally lead to good quality schemes, as can be seen in this instance.
- 4.7 In the light of concerns raised by the Council in respect of the design approach the applicant submitted amended plans indicating a different design approach. It is these drawings which form the basis of the appeal.
- 4.8 The amended drawings do show 3 roof heights stepping down Windmill Hill, and some elevational changes, particularly to the shape of the roof and dormers. However the Council considers that these amendments do not significantly improve the design, and certainly do not warrant it meeting the key policy test of PPS1. The changes are cosmetic, rather

than dealing with the fundamental issue of achieving the applicants desired internal floor space and layouts on the site. As such the level changes are still not adequately dealt with, as can be seen by the raising of the ground floor, and retention of the resultant significant plinth, obscured by indicative planting on drawing 1860 P18.

- 4.9 The roof steps would not be significant enough to be read easily from the surrounding area if the building was constructed. In fact the lower portion in the amended drawings is higher, and further forward than the lower portion in the original drawings. The corner treatment, with dormer overhang, would be slightly more prominent, but not significantly as the building design as an entirety still does not take good account of this corner.
- 4.10 The amended elevational and roof design in do not represent good architecture. Although the elevations are a little more disciplined than in the original plans, the window detailing seems uninspired. The mix of off set and balanced mullions, and the rather strange upright triangular windows within the lancet gables and inverted triangular rooflights do not show a cohesive approach to the appearance of the building.
- 4.11 Similarly the roofscape appears laboured, with the oversailing gables seeming at odds, and out of scale with the elevations below them. Overall the proposal is deeply uninspiring.
- 4.12 Despite the fact that the Council generally agrees with the applicant's assessment of the sites objectives, the applicant's concept of defensible space and the relationship between the building and the roads is not considered appropriate. There certainly can be times when a 'buffer zone' between public and private spaces can be beneficial, often set out as front gardens. However within vibrant, accessible, relatively dense and active areas such as the appeal site small buffer areas with mental railings as suggested tend to dilute the continuity and enclosure of public spaces (as explained as a key principle of good design in By Design). The narrow space proposed, with its railing (please note these are not indicated on the elevational drawings while large trees are – this is misleading) would effectively cut off potential active frontages and prevent the feeling of safety they can help create. The narrow and inaccessible space created between the building and pavement would have no real purpose, would not be wide enough for significant planting, would not be accessible from flats as amenity space for the length between the entrances, and with railing as suggested would effectively disrupt the relationship of the building to the road.

5.0 Architectural Style and effect on the adjoining conservation area

- 5.1 Looking at how the style and appearance of the proposal would affect the character of the area, the Council considers that the proposal fails on a number of levels. Not only would the blank flank wall, and bulky Windmill Hill elevation be very visible from the conservation area, but the style and overall architectural merit of the scheme is considered inappropriate.
- 5.2 Although the site is an important gateway to Enfield Town Conservation Area, there is no prevailing style in the site's immediate surroundings which requires to be followed. In fact, one of the most striking features in the area is the diversity of building ages and styles. But what can generally be seen is good quality, well designed buildings that reflect the time and architectural practices of the age in which they were built. As such the Borough Conservation Officer suggests that the site needs a 21st century building with the bold confidence of its neighbours. Instead the proposal is a forced hybrid of pastiches from two distinct earlier periods. (do you want to append Mikes e-mail?)
- 5.3 The council considers, in line with PPG15 and the English Heritage/CABE guidance Building in Context, that respecting existing context does not mean copying elevational bits and bobs from earlier styles, then placing them on buildings whose bulk, shape and proportions pay no regard to those earlier style. Instead the Council wishes to see good quality architecturally devised schemes which consider all elements of the design including shape, size, orientation and elevational treatment and the relationship between all such features as an entity. It is considered that the appeal proposal does not represent good architecture and relies on elevational 'ad ons' rather than architectural merit.

6.0 Summary response to Applicant's Design Statement

The Council's key concerns are explained above. However, for clarity, the following runs through the headings used in the applicant's design statement, explaining briefly the council's response to the information given.

6.1 Style:

The applicant says that there was agreement that a traditional design was required. The Council does not feel that there is any need to replicate any particular style on the site, but that a high quality building is needed that would respond positively with its eclectic surroundings.

It is a bit confusing that although saying they will follow a traditional style, the applicants then explain that they will use red brick and stone banding to do, but with tall windows with head details to 'add a contemporary twist' in their original submission. The banding has been removed from the amended plans, but it is not at all clear what architectural principles are being followed in the design, and various elements still appear to mixed together. The council considers that mixing elements like this, unless done with great sensitivity and skill, can, and in this case has, led to an unsatisfactory final result.

6.2 Hard Landscaping

It is not clear why the applicant thinks that which ever paving slabs would be finally chosen need to be broken up with block paving. Paths would not be overly long to need such detailing, and there is no explanation of how the paving design would work with soft landscaping or the evevational treatment.

6.3 Density, Car Parking and Amenity Space

The Council does not dispute the density or space provision proposed. However the applicant says in their conclusions that the density should 'fall out' of the design requirement. This does not appear to have been the case. In fact it looks more like the building design seems to have 'fallen out' of the applicants own floor space requirements. There is no correlation between high density and poor or good design, there can be high quality high density schemes, or high quality lower density schemes. In addition PPG3, draft PPS3 and the London plan explain that appropriate densities will be a product of site requirements and characteristics. This may be why the London Plan provides appropriate ranges rather than fixed targets. As such the council believes that a residential development of appropriate density AND good design could and should be provided on the appeal site.

6.4 Access and Landscaping

No information is provided about inclusive access to the development, for example whether disabled person car parking spaces would be accommodated etc. Inclusive access is a key policy requirement of PPS1 and should be provided by the applicant.

The Statement suggests that 'planting beds have been provided along the main entrance road to gradually ease the public into the high street'. They also say that 'heavy planting around the entire scheme is provided to reflect the influence of the Wheat Sheaf pub directly opposite the proposal'. The council is confused by this as no landscaping plan or details are provided, and there is also no indication of heavy planting. The Wheat Sheaf's front elevation is almost entirely covered in growth. It is also not clear why the public would have to be gradually eased into the

high street? Which members of the public, where are they coming from, and why is there a problem with their getting to the main road?

The raised ground floor levels along Windmill Hill would make proper use of the landscaped areas along that elevation very difficult. It would also disrupt the relationship between windows, planning and the building as a whole.

6.5 Security

The applicants have taken a defensive approach to security, as illustrated by the comment about re-enforcing the front boundary with railings and entrance gates. The unsuccessful levels of the building mean that most of the ground floor windows along Windmill Hill will be significantly raised, disrupting any positive relationship the building could have with the street. Although obviously the building, car and bike parking and storage areas need to be secure in their own right, developments which cut themselves off from public areas in this way do not generally aid public safety and reinforce peoples fear of crime and perceptions of insecurity. As with inclusive access creating a safe environment, not just a safe development, is a key design policy set out in PPS1.

6.6 Sustainability

This is a highly accessible town centre site, on bus routes and very close to a station. However the applicants are proposing more than 1 parking space per unit. This may be in line with the UDP policies, but does not carry forward the essence of more recent housing and parking policies. Although not specifically calling for a maximum of 1 space per unit, PPG3 is often interpreted as meaning this, particularly in London, where the London Plan promotes lowed parking provision. Considering parking is controlled in the surrounding area, it should be possible to ensure future residents know that parking will be limited, and manage impact on surrounding roads.

6.7 Conclusion

The appeal proposal is not a well designed or thought out scheme. It would seem that sound contextual and design analysis was undertaken by the applicants, but this did not greatly inform the design itself. The building, in many ways as described above, fails to represent good design or take the opportunity redevelopment of the site offers to improve the area. As such the inspector is respectfully asked to dismiss the appeal.

Annex 1

PLANNING POLICIES

The development plan comprises:

- (i) The London Borough of Enfield Unitary Development Plan (UDP), adopted 25th March 1994; and
- (ii) The Spatial Development Strategy for Greater London (2004) (“the London Plan”)

The Unitary Development Plan (UDP) Policies applicable to this appeal are –

- (II)GD6 Traffic generation
- (II)GD7 Car parking
- (II)GD8 Site access and servicing
- (II)H7 Density
- (II)H8 Privacy and distancing between buildings
- (II)H9 Amenity space provision

The Local Planning Authority (LPA) is satisfied that the proposal is generally compatible with the development standards contained in the above policies. However, the LPA considers that the design of the proposed building is unacceptable having regard to the following UDP Policies:

- (II)C30 Land adjacent to Conservation Areas
- (I)GD1 Developments to have regard to their surroundings.
- (I)GD2 Developments to improve the environment.
- (II)GD3 High standard of aesthetic and functional design.

The above policies are detailed at Appendix 3

The following London Plan Policy is of relevance:

Policy 4B.1 – Design principles for a compact city

This policy is detailed at Appendix 4.

The following National Planning Policy is of relevance:

PPS1 – Delivering Sustainable Development

PPG3 - Housing

Draft PPS3 – Housing

Policy context

Planning Policy Statement 1 requires good design and states at paragraph 33:

Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

And at paragraph 13 in key principle (iv):

Planning policies should promote high-quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

The PPS also states that good design should:

- Address the connections between people, places and access to jobs and services
- Integrate development into the existing natural and built environment and reinforce local distinctiveness
- Help to provide successful, safe and inclusive places
- Create places everyone can use and enjoy
- Consider impacts on the natural environment.

PPS1 refers to By Design, its companion guide, as a material consideration in determining planning applications. This comprehensive document sets out the key characteristics any development should ensure a place will have. These are:

- **Character:** A place should have its own identity and reflect local circumstances and distinctiveness.
- **Continuity and enclosure:** Both public and private spaces should be clearly defined and distinguished.
- **Quality of public spaces:** A place should have attractive and successful outdoor areas
- **Ease of movement:** it should be easy for everyone, regardless of age or disability to get to and move through the area.
- **Legibility:** A place should have a clear image and people should find it easy to understand how to move around it, and what facilities and services are available.
- **Adaptability:** A place should be able to change easily as demands placed upon it alter.

- **Diversity:** A place should offer a good mix of uses, facilities and should value difference

Draft PPS3 sets out the most recent emerging national housing policy. This states that:

Developments should be attractive, safe and designed and built to a high quality. (para 1)

New development should be of high quality inclusive design and layout...and be informed by its wider context, having regard not just to neighbouring buildings but to the townscape and landscape of the wider locality... The key test should be whether a development positively improves the character of an area and the way it functions.’ (para 37)

These are draft policies and PPG3 is also a key material consideration at the moment. This also calls for high quality housing design stating:

- *New housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, recognising that new building technologies are capable of delivering acceptable built forms and may be more efficient. Local planning authorities should adopt policies which:*
 - *create places and spaces with the needs of people in mind, which are attractive, have their own distinctive identity but respect and enhance local character;*
 - *promote designs and layouts which are safe and take account of public health, crime prevention and community safety considerations;*
 - *focus on the quality of the places and living environments being created and give priority to the needs of pedestrians rather than the movement and parking of vehicles;*
 - *avoid inflexible planning standards and reduce road widths, traffic speeds and promote safer environments for pedestrians; and*
 - *promote the energy efficiency of new housing where possible.*

PPG 15 provides policy on how to assess applications both within and alongside conservation areas. It states that:

The design of new buildings intended to stand alongside historic buildings needs very careful consideration. In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community.(para 2.11)

New buildings do not have to copy their older neighbours in detail. Some of the most interesting streets include a variety of building styles, materials and forms of construction, of many different periods, but together forming a harmonious group. (para 2.14)

The London Plan includes relevant design policies. These include 4B.1 which states:

The Mayor will, and boroughs should, seek to ensure that developments:

- *maximise the potential of sites*
- *create or enhance the public realm*
- *provide or enhance a mix of uses*
- *are accessible, usable and permeable for all users*
- *are sustainable, durable and adaptable*
- *are safe for occupants and passers-by*
- *respect local context, character and communities*
- *are practical and legible*
- *are attractive to look at and, where appropriate, inspire, excite and delight*
- *respect the natural environment*
- *respect London's built heritage.*

These principles should be used in assessing planning applications and in drawing up area planning frameworks and UDP policies. Urban design statements showing how they have been incorporated should be submitted with proposals to illustrate their design impacts.'

Enfield's UDP policies are much older than the national and London wide policies quoted above and the Council recognises that the approach to design within the planning system has altered significantly since its UDP policies were adopted. Nevertheless:

Policy (I) GD1 requires that new developments have appropriate regard to their surroundings and that they are satisfactorily integrated into the local community.

Policy (I)GD1 requires that developments improve the environment in terms of both quality of life and visual amenity.

Policy (II)GD3 requires a high standard of aesthetic and functional design.