
Appeal Decision

Site visit made on 6 September 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 14 October 2016

Appeal Ref: APP/Q5300/W/16/3151043

111 Palmerston Road, Southgate, Enfield, London N22 8QX

- 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 D Marrinan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00032/FUL, dated 18 December 2015, was refused by notice dated 2 March 2016.
 - The development proposed is demolition of existing rear ground floor side extensions, erection of new ground floor rear extension. Subdivision of dwelling into 2 self-contained flats comprising 1 no 3 bed (5P) and 1 no 2 bed (4P) flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would result in an acceptable housing mix.
 - Whether the proposal would provide acceptable living conditions for future occupiers, with regard to provision of external amenity space.

Reasons

Housing mix

3. When read as a whole, Policy CP5 of the Council's Core Strategy 2010 ('CS') and Policy DMD5 of the Development Management Document 2014 ('DMD') seek to prevent the loss of all homes, ensure that new developments offer a range of housing sizes to meet identified housing need and that for the conversion of existing family units into self-contained flats, compensatory provision for family accommodation is provided.
 4. In terms of need the explanatory text, under paragraph 5.41 indicates that Enfield's Strategic Housing Market Assessment, in respect of the supply to need ratio, showed a particular shortage for larger dwelling types. On the evidence before me, there appears to be an acute short supply of houses with three or more bedrooms within the Borough.
 5. The appeal property is a two storey, mid terraced property located on Palmerstone Road, in a row of similar properties close to the junction with Kelvin Avenue and set behind a hard surfaced front garden used for car
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- parking. It is located in an area of predominantly residential properties that vary between similarly substantial dwellings, flat conversions, and purpose built apartment blocks.
6. It was evident from my site visit that the property is currently vacant and on the evidence before me, the Council raise no objections to the extensions that form part of the proposal, living conditions in terms of internal space standards or noise and having visited the site I have no reason to disagree.
 7. The plans show that Flat A would provide a three bedroom unit with the third bedroom located on the first floor and therefore the proposal would result in the loss of a large four bed unit with a much smaller three and two bed unit. In this regard, there would be a form of compensatory provision of a three bed unit but the acceptability of the conversion is also subject to other criteria being met. Although I note that the Council considers it would be of an 'insufficient floor area' in their statement it would provide a smaller family unit.
 8. Nevertheless, Policy DMD5 also requires out that conversions of existing units to self-contained flats must not harm the residential character of the area or result in an excessive number or clustering of conversions. It goes further in limiting the percentage of conversions along any road to 20% and only allows one out of a consecutive row of five units to be converted.
 9. The appellant contends that the driving factors for many flat conversions is partly due to housing stock being oversized and that furthermore, the Council should apply the policy on a street by street basis rather than across the Borough. In my view, the fact that it is a borough wide approach does not render it inflexible or unreasonable and I am also mindful that the DMD post-dates the National Planning policy Framework.
 10. The Council contend that the number of conversions already equates to 57.5% of the total units in the road. It is also noted that Nos. 105, 107, 115 and 117 are already converted into flats, thus demonstrating a high concentration of flats and this evidence is uncontested by the appellant. Moreover, this is broadly in accordance with my observations at the site visit.
 11. In my judgement, the relevant policies of the development plan seek to balance the need to deliver a wide variety and mix of housing against the need to avoid clustering and excessive numbers of conversions in order to provide sustainable, balanced and appropriately mixed communities. Although in itself, the effects of one more conversion in terms parking and living conditions may not be significant, further breaches of the policy would lead to a continuing erosion of the number of larger dwellings in the street and an even higher concentration of flats. In my judgement, this is the very type of intensification and overconcentration that the Council's adopted approach seeks to resist.
 12. For these reasons and in this particular case, the proposal would not result in an acceptable housing mix and would conflict with the overall aims and objectives of Policies CP5 of the CS, Policy DMD5 of the DMD and Policies 3.5 and 3.8 of the London Plan. Amongst other things and when read as a whole, these seek to ensure residential development provides a range of accommodation in terms of sizes and types to ensure a range of housing needs but with particular emphasis on larger dwellings and avoiding an excessive number or clustering of conversions.

External amenity space

13. The three bed unit would have direct access to private amenity space to the rear that would be suitable for a small family. Accordingly, the proposal would not conflict with Policies DMD8 and DMD9 of the DMD, Policies CP4 and CP30 of the CS, the Council's SDG and Policy 3.5 of the LP which require that new residential development provides high quality amenity space.

Other Matters

14. The Council's third reason for refusal refers to the fact that the applicant did not agree to an appropriate level of developer contributions. Although I note the appellant's contention that such contributions are no longer required following a recent Court of Appeal decision, because I am dismissing the appeal on other grounds it is not necessary for me to consider this matter further. Whilst the contribution would partly relate to affordable housing and I note the appellant's request to impose a condition securing a contribution, I am satisfied that the likely level of contribution as a benefit in favour of the scheme would not outweigh the harm otherwise arising from the development.
15. In addition to Policy CP5, the Council have also referred to Policies CP4 and CP30 of the CS in the first reason for refusal. These policies appear to relate to housing quality and the quality of the built environment and are therefore not entirely relevant to the main issues in this appeal.

Conclusion

16. Although I have found that the proposal would provide suitable external amenity space, it would not result in an acceptable housing mix. In my view, that is the prevailing consideration and although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole and there are no material considerations which indicate that a decision should be made other than in accordance with it. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR