The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 2nd November 2016

Appeal Ref: APP/Q5300/W/16/3154770
10 Denton Road, Edmonton, Enfield N18 1RU

- 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 DJ Patel against the decision of the Council of the London Borough of Enfield.
- The application Ref 15/05736/FUL, dated 21 January 2016, was refused by notice dated 17 March 2016.
- The development proposed is conversion of front of commercial unit and basement to provide 1 no 1 bedroom self-contained flat.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council draw attention to an administrative error in the decision notice in relation to reason for refusal 3 which is a repetition of reason for refusal 2. It clarifies that reason for refusal 3 should be as set out in the delegated officer report and should read '*The proposed light well creating access at basement level would result in development out of keeping and character with the surrounding area which is made more prominent by its corner location contrary to Local Plan Policy CP30 and Development Management Document DMD11'*. I have dealt with the appeal on this basis.

Main Issues

3. The main issues in this case are:

   - The effect of the proposal on the character and appearance of the area;
   - The effect of the proposal on the living conditions of future occupiers with specific reference to daylight/sunlight, ventilation and outlook; and
   - The effect of the proposal on the living conditions of future occupiers with specific reference to outdoor amenity space.

Reasons

Character and Appearance

4. The appeal property is a two storey traditional property situated on the corner of Denton Road and Warwick Road. It has a mini cab booking office on the ground floor, storage in the basement and residential above. The surrounding

area is predominately residential comprised of traditional two storey terraced properties. The south side of Denton Road has a continuous terrace of 2 storey houses with pantile roofs and decorative bay windows to the ground floor. The strong rhythm of the road is emphasised by the houses set on a consistent building line behind short front gardens enclosed by brick walls and the pattern of raised fire walls and chimneys. The uniformity of the terrace contributes to the local distinctiveness of the area.

5. The appeal site has an existing forecourt fronting onto Denton Road which appears to be used for the parking of vehicles. The western aspect fronts directly onto Warwick Road. The proposal would involve significant excavation in order to create the front light well and staircase to the basement flat. The new basement proposes stairs accessed via Warwick Road and a new boundary wall would define the site frontage along Denton Road and the corner with Warwick Road.

6. The excavation required to provide the light well would reveal the additional basement storey thus extending the existing façade and distinguishing the property from its neighbours. Although the basement entrance would be enclosed by the boundary wall the light well would, nevertheless, be readily visible. The proposed light well and stair case would create a discordant feature disrupting the strong rhythm and continuity of the existing street scene. Furthermore, the proposal would be particularly prominent due to its corner location.

7. I, therefore, conclude that the proposal would harm the character and appearance of the area and would, therefore, be contrary to Policy CP30 of the Enfield Plan Core Strategy (CS) 2010-2025 (2010) which seeks to maintain and improve the quality of the built and open environment.

8. The Council also refer to Policy DMD 11 of the Development Management Document (DMD) 2014, however, this relates to rear residential extensions and consequently I do not consider that it is relevant to the appeal proposal.

Living conditions

9. The proposed flat would consist of a bedroom on the ground floor served by two windows facing onto Denton Road and a study on the ground floor served by a window facing onto Warwick Road. The ground floor accommodation would, therefore, have adequate access to natural light and a reasonable outlook. However, the study would front directly onto Warwick Road and may be subject to noise and disturbance from people directly outside the window. The bedroom windows would have a degree of set back from the pavement created by the proposed light well and boundary wall.

10. The proposed basement accommodation would comprise an open plan kitchen/dining/living area. The room would be single aspect and would be served by a single window facing the light well which would be enclosed on all sides by solid walls and the staircase. The proposed kitchen area would be situated some distance from the window and consequently would not receive sufficient light. Whilst it has been suggested that a light box system could be utilised to allow light from the ground floor accommodation, there are no details before me of how such a system would work. I am not, therefore, persuaded that this would overcome my concerns. Furthermore, there would

be no ability to cross ventilate the unit and future occupiers would have a poor outlook onto the proposed stairwell.

11. I, therefore, conclude that the proposal would result in poor living conditions for future occupiers and would, therefore, be contrary to Policy DMD 8 of the DMD which states, amongst other things, that all development must preserve amenity in terms of daylight, sunlight, outlook, privacy, overlooking, noise and disturbance. Furthermore, the proposal would be contrary to Policy CP4 of the CS which requires high quality design and sustainability for all new homes. Conflict would also arise with Policy CP30 of the CS.

12. Moreover, the proposal would be contrary to Policy 3.5 of the London Plan (consolidated with alterations since 2011) 2015 and the Housing Supplementary Planning Guidance (SPG) (2016) which together seek to ensure that housing developments are of the highest quality internally, externally and in relation to the context and the wider environment. In particular the proposal is contrary to Standard 29 of the SPG which seeks to minimise the number of single aspect dwellings.

Amenity Space

13. Due to the nature of the site it is not possible to provide private amenity space for the proposal. Attention is drawn to the nearby Pymmes Park which is situated at the end of Denton Road, less than a minute walk away. The park contains a children's play area, football pitches, bowls, tennis court and a multi-use games area.

14. Policy DMD 9 of the DMD and Standard 26 of the Housing SPG require a minimum of 5 sqm of private outdoor space to be provided for a 1-2 person dwelling. In exceptional circumstances, where the site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This must be added to the minimum gross internal floor area. However, there is no evidence before me the lack of open space could be off-set by an increase in the internal floor area of the proposed flat.

15. Furthermore, whilst the appellant has indicated a willingness to make a contribution toward open space improvements in the vicinity there is no mechanism before me to secure such a contribution.

16. Moreover, notwithstanding the presence of the park, I consider that the lack of private external amenity space would exacerbate the sub-standard living conditions presented by the internal living space of the proposal. I, therefore, conclude that the proposal would conflict with Policy DMD 9 of the DMD and Standard 26 of the Housing SPG.

Other matters

17. The appellant draws attention to the existing use which operates 24 hours a day which he contends is having a detrimental effect on the occupiers of surrounding premises. He contends that the proposed residential use would have a less harmful effect on existing occupiers. However, there is no evidence before me to support this assertion which limits the weight which I can attach to it in my Decision.

18. The proposal would also make a contribution, albeit limited, to housing land supply. However, I consider that this benefit would be outweighed by the significant harm which I have identified to the character and appearance of the area and the living conditions of future occupiers.

19. The Section 106 Supplementary Planning Document (SPD) (2011) sets out the circumstances in which a s106 contribution would be required and provides details on the type and level of financial contribution to off-site affordable housing and primary and secondary school places. An affordable housing statement was submitted with the application which provides an estimated sale value of £150,000 for the 1 bed, 2 person unit. The affordable housing statement states that the appellant would in agreement to an affordable housing contribution of £13,179 which the Council consider to an acceptable. However, a section 106 obligation has not been provided. I note that the lack of a contribution is not a reason for refusal and in any event as I have found that the proposal would cause harm in relation to the main issues I have not considered this matter further.

20. The appellant presents a number of appeal decisions which he considers supports his case. No 6 Riverside Flats[1] relates to the sub-division of a first floor flat to two one bedroom flats which, from the limited information before me, involved no external alterations, unlike the appeal proposal.

21. The case at 6 Southland Terrace[2] relates to the sub-division of a house into a one two-bedroom maisonette and one studio flat. The paragraph to which attention is drawn relates to the issue of potential over-looking from an external staircase. However, the issue of overlooking has not been raised in relation to the appeal proposal and it is not, therefore, clear how this supports the appellant's case.

22. The case at 80B Green Lanes[3] relates to a change of use of a social club to a studio flat. It is not clear from the appellant's submissions how he considers that this decision supports his case. However, I note that a Daylight and Sunlight Report was submitted in support of this case which demonstrated that there was sufficient daylight and sunlight to serve the development. Consequently, none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.

Conclusion

23. For the reasons stated above and taking all other considerations into account, I consider that the appeal should be dismissed.

Caroline Mulloy

Inspector

[1] Appeal decision reference APP/M1595/A/06/2011320
[2] Appeal decision reference APP/M1595/A/06/2020834
[3] Appeal decision reference APP/U5360/A/13/2199867