
Appeal Decision

Site visit made on 1 November 2016

by Sarah Housden BA (Hons) BPI MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/Q5300/W/16/3157094

33 - 39 Standard Road, Enfield, London EN3 6DP

- 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 Miss Terri Creask against the decision of the Council of the London Borough of Enfield.
 - The application Ref 15/05706/FUL, dated 23 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is 'convert a garage and storage area into a two bedroom flat'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The second reason for refusal relates to the lack of adequate provision for the payment of a contribution towards affordable housing and education services. However, the refusal notice pre-dates the Court of Appeal judgement on 11 May 2016¹ which has established the specific circumstances where contributions for affordable housing and tariff style planning contributions should not be sought. These include developments of 10 units or less. Having regard to this and the updated advice in the Planning Practice Guidance, the Council has formally withdrawn the second reason for refusal and it has therefore had no bearing on the outcome of this appeal.
3. The main issue in this case is whether future occupiers of the proposed flat would have acceptable living conditions, having particular regard to the amount and layout of internal living space and private outdoor space.

Reasons

4. The appeal property comprises one half of a two storey block of four flats within a residential area to the north-east of Enfield. There is a shared parking area to the front of the building and the adjoining entrance to a track to the north of the building was also being used for parking at the time of my site visit. The enclosed garden to the rear is shared by the occupiers of all the flats. The front entrance door gives access to a communal corridor with a staircase to the flats on the first and second floors.

¹ SSCLG and West Berkshire District Council [2016] EWCA Civ 441

5. The proposal is to convert the ground floor double garage and storage rooms in one half of the block to a two bedroom flat which would be accessed by a new door in the internal corridor. The Council has raised no objection to the proposed changes to the front and rear elevations and I concur that these alterations would be in keeping with the existing building.
6. The development plan in this case comprises the London Plan (2016) (LP), the Enfield Core Strategy (2010) (CS) and the Enfield Development Management Document (2014) (DMD). Policies relating to internal space are also interpreted with reference to the new *Technical Housing Standards – Nationally Described Space Standard* (NDSS). In addition the London Plan Housing Supplementary Planning Guidance (2016) (SPG) has been updated to reflect the NDSS.
7. LP Policy 3.5, DMD Policies DMD5 and DMD8, and the SPG set minimum internal space standards for residential development. The minimum internal floor (GIA) area for a three person, two bedroom flat is 61 m² with built-in storage of 2 m². A dwelling with two or more bedspaces must have at least one double or twin bedroom, the minimum standard for which is 11.5 m².
8. The GIA of the proposed flat is disputed by the parties. The appellant indicates that the floor area would be over 61 m² whilst the Council considers that it would be 55 m². There is nothing in the evidence to indicate the basis on which either of these figures has been calculated. Whilst the dimensions of the external walls of the existing garage shown on the 1:500 block plan accord with what I saw at the site visit, the scale of the internal floor plans (Drawing Nos 106/002 and 106/003) does not enable the internal floor area to be calculated with any degree of accuracy.
9. Based on the submitted evidence, it is not possible for me to conclude whether or not the proposed flat would meet the space standards set out in the LP, DMD, NDSS and SPG. Using the Council's figures as a 'worst case' scenario, the shortfall in the GIA would be approximately 6 m². Given that the amount of internal accommodation would be comparable to that of the existing flats, I am not persuaded that the shortfall in the GIA and in the size of the double bedroom would be a reasonable basis for dismissing the appeal.
10. However, the location of the flat on the ground floor of the building would create difficulties in providing satisfactory living conditions. The bedroom windows would face directly onto the shared parking area. The area to the front of the block could accommodate approximately six vehicles and the appellant indicated at the site visit that the parking spaces are not allocated or managed for the occupiers of the flats or for any other specific users. As such, vehicles could be parked at any time in close proximity to the bedroom windows of the proposed flat. I consider that this would be likely to give rise levels of noise and disturbance which would be beyond the control of the occupiers of the flat and detrimental to their living conditions.
11. The window and patio door serving the main living space would face directly onto the communal garden area which could be used by any of the occupiers of the other flats. The appeal plans do not show details of any screening between the rear window and patio door of the proposed flat and the communal garden. Whilst at the site visit it appeared that the garden was not well used, the garden could be used more intensively by different occupiers in the future. Any noise and disturbance in the garden would be likely to adversely affect the

occupiers of the ground floor flat given the proximity and outlook of the main living space onto that area.

12. The communal garden to the rear of the flats measures approximately 204 m² which for five flats would be comfortably in excess of the 6 m² requirement set out in DMD Policy DMD9. This policy also requires that the space is accessible only to and screened for the purposes of the residents of the dwelling. The garden is enclosed with fences and an outbuilding on the common boundary to the west which screen it from the public realm. However, there would be no private area of outdoor space accessible only by the occupiers of the flat. The availability of public open space at Albany Park and Soham Lane a short distance away would not mitigate for this lack of provision since it would not provide for the storage of normal domestic items such as washing lines and bins.
13. Given the shared nature of the communal garden space, it is not clear whether it would be practical or feasible to provide an enclosed area immediately adjacent to the rear of the proposed flat for the sole use of its occupiers. In these circumstances, I consider that it would not be appropriate for these details to be dealt with by means of a planning condition.
14. I conclude in relation to the main issue in this case that the proposed flat would provide a satisfactory amount of internal floor space despite the differences from the adopted standards. However, its location on the ground floor of the block and the position of bedroom and living accommodation in relation to the shared parking area and communal garden would be likely to give rise to levels of noise and disturbance which would be harmful to the living conditions of future occupiers of the flat.
15. For the reasons outlined above, the proposal would be contrary to CS Policy CP4 and DMD Policies DMD5, DMD8 and DMD9 which seek high quality, well designed and functional layouts for new development including residential conversions. The proposal would also be contrary to LP Policy 3.5 which requires new housing to be of the highest quality internally. There would be further conflict with the advice in the National Planning Policy Framework to secure a good standard of amenity for future occupants of land and buildings.
16. Whilst the Council has referred to CS Policy CP30 in the first reason for refusal, this deals with design in the public realm and is not directly relevant to the main issue in this case.

Other matters

17. As the proposed flat would be at the farthest side of the block away from No 73 Standard Road (No 73), I do not consider that there would be any adverse effect on the living conditions of the occupiers of No 73 from the kitchen and boiler flue of the proposed flat. The Council considers that the proposal would not have any adverse effect on the living conditions of any other nearby occupiers and I agree with that assessment.
18. The proposal would make use of an existing building and would increase the supply of housing in the area, albeit marginally. It would be within walking distance of local services and facilities and train and bus services. However, these considerations, nor any of the other matters raised in this case outweigh my conclusion in respect of the main issue.

19. For the reasons outlined above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sarah Housden

INSPECTOR