

Appeal Decision

Site visit made on 18 January 2017

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 8th February 2017

Appeal Ref: APP/Q5300/W/16/3160445

71 Tewkesbury Terrace, Southgate N11 2LU

- 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 and Mrs K Man against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/01755/FUL, dated 22 April 2016, was refused by notice dated 5 August 2016.
 - The development proposed is conversion of property into two separate flats and new front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit building works were taking place at the property. I observed a new building in the rear garden which is not shown on the submitted plans.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on the availability of family sized housing in the Borough; and whether satisfactory living accommodation would be provided for occupiers of the proposed two bedroomed flat taken particular account of amenity space.

Reasons

Availability of family sized housing

4. Tewkesbury Terrace is in a predominantly residential area parallel to Bounds Green Road. Further along Bounds Green Road and on the nearby A406 are a variety of commercial and other non-residential uses. Buses and train services are available nearby and on this basis I conclude that the appeal site is in a sustainable location. The formation of an additional residential unit would meet those aims of the London Plan and of the National Planning Policy Framework (the Framework) that seek to increase the supply of housing and would be acceptable in principle provided other material planning considerations are satisfied.
 5. The properties on Tewkesbury Terrace are predominantly short rows of terraced houses with narrow gaps between them. The appeal property is a typical mid terrace two storey house. A hardstanding has been constructed in
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the front garden to enable off street parking as is the case with a number of the nearby properties.

6. The appeal site contains beneficial development in the form of a three bedroomed family dwelling. Alternative residential development would not conflict with those principles of the Framework that seek to make good use of previously developed land provided all material planning considerations are met.
7. The proposed development would provide an additional small unit of accommodation. I acknowledge that there is a wider issue of the provision of housing nationally, whether or not house builders engage in "land-banking", and that the development plan and the Framework seek to address this. However, the protection of existing family housing stock, where this has been identified as a particular need in the context of local demographics, is necessary to ensure future housing needs are met.
8. The Enfield Core Strategy 2010 (the CS) identifies that the supply to need ratio shortfall is much greater for larger dwelling types than smaller ones. Accordingly the implementation of Policy CS 5 of the CS, as set out in the supporting justification for the policy, seeks to address the deficit of family homes in the Borough. Policy DMD 5 of the Enfield Development Management Document 2014 (the DMD) allows for the conversion of a single family dwelling into flats subject to a number of criteria.
9. The development proposes a one bedroomed flat and a two bedroomed flat. No compensatory provision for family accommodation of three bedrooms or more would be provided. On this basis I conclude that the proposed development would have an adverse effect on the availability of family sized housing. The proposal would therefore conflict with the criterion of Policy DMD 5 2a. It would therefore also fail to satisfy the housing needs of present and future generations, as identified by development plan policies, and would therefore conflict with the social role of sustainable development as set out in the Framework.

Living conditions

10. There would be no external private amenity space for the proposed two bedroomed flat. Policies DMD 8 and DMD 9 together seek 23 sqm of private amenity space for dwellings without access to communal amenity space which is not open to use by the general public. I acknowledge there are parks in the local area but these are accessible by the public and do not overcome the lack of private amenity space. Accordingly I conclude that the proposal conflicts with the requirements of Policies DMD 8 and DMD 9 and would not provide satisfactory living conditions for future occupiers of the proposed two bedroomed flat. Whether or not flats elsewhere provide outdoor amenity space is not, in my view, a reason to allow an otherwise unsatisfactory proposal on the appeal site.

Other matters

11. The appeal property is not listed or in a conservation area. The proposal therefore has no impact on designated heritage assets in the Borough although the renovation of the existing property would be an environmental benefit.

12. The proposed development would make more intensive use of the site. However, the continuation of use as a single dwelling also amounts to effective beneficial use of the site and would not conflict with those principles of the Framework and the development plan that seek to make good use of land and buildings. Moreover conversion to flats is not essential to make beneficial use of loft space, to construct a more useful and integral kitchen and utility room or to otherwise invest in the fabric of the property. Accordingly these matters do not lead me to any different conclusion.

Conclusion

13. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise¹. Planning policies can pull in different directions. The proposal would comply with parts of the development plan and would provide an additional unit of accommodation. However, in failing to comply with all the criteria of Policies DMD 5, DMD 8 and DMD 9 the proposal does not comply with the development plan taken as a whole. I have also found that the proposal does not fully satisfy the social strand of sustainable development as set out in the Framework. On balance, for the combination of reasons set out above, and taking into account all other relevant matters raised, I conclude that the appeal should not succeed.

SDHarley

INSPECTOR

¹ Section 38 of the Planning and Compulsory Purchase Act 2004