

Appeal Decision

Site visit made on 27 March 2017

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 04 April 2017

Appeal Ref: APP/Q5300/W/16/3165447

122/122A Carterhatch Lane, Enfield EN1 4LB

- 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 Mrs Havva Hassan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/03073/FUL, dated 4 July 2016, was refused by notice dated 21 September 2016.
 - The development proposed is unification of 122 and 122A Carterhatch Lane and conversion of 122A from house to 2 No. self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's concerns relate to the proposals for 122A Carterhatch Lane. As such, on the basis of all that I have read and seen, my considerations focus solely on this unit.

Main Issues

3. The main issues are whether the proposed development would provide adequate living conditions for future occupiers, with regard to living space, outlook and outdoor amenity space; and the effect of the proposed development on the character and appearance of the area and on highway safety.

Reasons

Living Conditions

4. The proposal would divide 122A into one ground floor and one first floor flat. Policy DMD 5 of the Improving Enfield Development Management Document (IEDMD) states that the conversion of existing units into self-contained flats must provide a high quality form of accommodation which meets internal floor standards in the London Plan. London Plan policy 3.5 is clear that housing developments should be of the highest quality internally. Decision makers should seek to ensure that new development meets minimum space standards, as set out in the London Plan at Table 3.3.
 5. The appellant disputes neither the Council's calculation of the internal floor areas of the proposed flats nor their assessment of these sizes against the London Plan minimum space standards. Thus, the first floor flat would be around 5.5 square metres smaller than the minimum standard, and the ground
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floor flat would be around 7.8 square metres smaller than the minimum standard. These are, in my judgment, significant shortfalls against the expected internal space standards for new flats.

6. In addition, the proposed bedroom two/office of the ground floor flat is far from ideal. It would be a remarkably dim and enclosed space, lacking any natural daylight other than through a narrow skylight at one end of the room and having no outlook at all. It would be sub-standard as a bedroom and not a particularly pleasant, or practical, space in which to spend time if used as an office. This would be compounded by restrictions on room layout as a result of the significant remnant (and presumably supporting) wall that would intrude some distance into the room.
7. The first floor flat would lack any private outdoor amenity space. This is not unusual in flatted developments of this nature¹, but that does not necessarily make it acceptable and such development is often of some vintage. In addition, context is everything and such flats may often be near to large areas of public open space. There is no evidence before me to suggest that the appeal site is proximate to a good quality public open space.
8. Thus, in my judgment, the lack of amenity space for the first floor flat would be a failing of the development, potentially giving rise to a sense of confinement for future occupiers, particularly when combined with the sub-standard internal space.
9. Although I do not consider that the overall flow of the proposed flats would be contrived, I share the Council's concern that the constraints upon the living space would be significantly detrimental to their function. I conclude, therefore, that the appeal proposal would fail to provide adequate living conditions for future occupiers with regard to living space, outlook and outdoor amenity space. It would conflict with London Plan policy 3.5, the requirements of which are set out above.
10. It would also conflict with the requirements of IEDMD policies DMD5, 8, and 37, and Improving Enfield Core Strategy Policy CP4. These seek, among other things, to ensure that new residential development provides high quality amenity space; preserves amenity in terms of daylight; meets or exceeds minimum space standards in the London Plan; and provides a well-designed, flexible and functional layout, with adequately sized rooms.

Character and Appearance

11. The Council alleges that the appeal proposal would have an adverse impact upon the character and appearance of the area, as a result of the over concentration of converted properties on the road. Erroneous reference is made to Park Road, but it is evident from the rest of the Council's evidence that this is a typo.
12. On the basis of my observations from my site visit, there did not appear to be an obvious plethora of houses converted to flats in the immediate area, besides 122 Carterhatch Lane, and the Council has not disputed the appellant's similar assessment in this regard. Nonetheless, IEDMD policy DMD5 is clear that only one out of a consecutive row of five units may be converted. This policy is clearly open to interpretation depending upon where one starts counting. Even

¹ I note, for example, that the first floor flat next door lacks outdoor amenity space.

so, 122A and 122 are part of a standalone terrace of houses and it is reasonable to consider this as a row.

13. In this context, given that 122A is next door to 122, there would be a clear breach of IEDMD policy DMD5. There is no dispute that this policy attracts full weight and that its purpose is to ensure that there is not a proliferation of residential conversions, with the attendant implications of this, in areas where they are not a feature.
14. It may be that allowing the appeal would have a negligible effect on the character of the area, given what appeared to be a low level of extant conversions. It would, however, create an obvious block of more intensive residential development within a row of terraced houses. In addition, if this argument were carried through to every application for residential conversion on Carterhatch Lane the aim of policy DMD5 would be rapidly undermined by incremental development.
15. I conclude, therefore, that the appeal proposal would have an adverse impact open the character and appearance of the area. It would conflict with the requirements of IEDMD policy DMD5, as set out above.

Highway Safety

16. The planning application form notes that two parking spaces will be provided at the appeal site, which is accessed from Carterhatch Lane. This is a busy, two lane thoroughfare, with numerous cars parked along it, reducing visibility. I have no doubt, based upon the observations from my site visit, that inadequate consideration of vehicular access to and egress from the appeal site onto Carterhatch Lane could have adverse consequences for highway safety.
17. The appellant states that planning permission has already been granted for a dropped kerb in front of the appeal site. This appears to date from 2002, giving rise to questions about whether it is still 'live', and no details of it have been provided. At the time of my site visit, the front of the site was certainly not laid out as a parking area and no dropped kerb was apparent.
18. In the absence of adequate information about parking arrangements for the proposed dwellings, I consider that a precautionary approach is appropriate. I conclude, therefore, that the appeal proposal could have an adverse impact upon highway safety. It would conflict with IEDMD policy DMD46, which seeks, among other things, to ensure that vehicle crossovers and dropped kerbs are permitted only where there is no adverse impact upon road safety or the free flow of traffic.

Conclusion

19. The appeal proposal would give rise to an additional dwelling, which might be appealing to a first time buyer². This could be a benefit of the scheme. It would not, however, outweigh the totality of harm that I have found above. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that the appeal scheme would fail to accord with the development plan as a whole and that the appeal should be dismissed.

Richard Schofield INSPECTOR

² Notwithstanding that there is no guarantee that the flat would be sold rather than rented.