
Appeal Decision

Site visit made on 20 March 2017

by B Bowker Mplan MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/Q5300/W/16/3165716

53 Ecclesbourne Gardens, Southgate, Enfield N13 5JD

- 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 Folasayo Adeoyin against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00765/FUL, dated 23 February 2016, was refused by notice dated 21 June 2016.
 - The development proposed is conversion of 3-bedroom dwelling to 1-bedroom flat and 3-bedroom maisonette. Single storey rear extension. Loft conversion with rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council referred to London Plan (LP) Policies from the 2011 version of the plan, which included residential space standards that have been replaced. Consequently, comments were sought from the parties regarding the effect of the 2016 version of the LP on the proposal. The appeal has been determined taking into account these comments and the 2016 LP policies.

Main Issues

3. The main issues are:
 - Whether the proposed development provides an appropriate housing mix;
 - The effect of the proposal on the living conditions of future occupants, with particular reference to external and internal space; and,
 - The effect of the proposal on the character and appearance of the surrounding area.

Reasons

Housing mix

4. The appeal site is a three bedroom mid-terraced dwelling with rear garden located in an area predominantly residential in use.
 5. The Council's most recent housing need assessment outlines that whilst there is a need for all sizes of residential units, need is greatest for larger dwellings; particularly three and four bedroom houses. Of relevance to this matter,
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Policy CP5 of the Core Strategy (CS) and Policy DMD5 of the Development Management Document (DMD) seek to ensure development does not lead to a net loss of family housing/larger 3 bedroom plus units.

6. As the proposal involves the conversion of a family/3 bedroom unit into self-contained flats, part 2 of Policy DMD5 applies which requires compensatory family accommodation within development proposals. Paragraph 4.3.8 of the policy states that compensatory accommodation should have direct ground floor access to a dedicated amenity space. Whilst the proposal includes a 3 bedroom residential unit, this unit would not have direct ground floor access to a dedicated external amenity space.
7. The appellant highlights that occupants would be able to access the garden via a rear access to the curtilage. It is also suggested that a planning condition could secure direct access to the garden. However these suggestions are deficient for the following reasons. Firstly, access to the garden via the rear of the curtilage would be indirect and therefore not direct ground floor access as required by Policy DMD5. Secondly, in the absence of any details or an explanation of an achievable and acceptable approach, I am not convinced that a policy compliant access to the garden could be secured by a condition. Consequently, the proposal would not provide adequate compensatory family accommodation as required by Policy DMD 5.
8. Therefore the proposed development would not provide an appropriate housing mix. Consequently, insofar as they relate to this matter, the proposal would be contrary to CS Policy CP5 and DMD Policy DMD5 which are of most relevance to this issue. Combined, these policies require development to offer a range of housing sizes to meet housing need and ensure compensatory provision from development that result in a loss of family accommodation.

Living conditions

9. DMD Policy DMD9 requires a four person three bedroom property to provide occupants with 7 square metres of private amenity space. Based on my reasoning above, future occupants of the maisonette would not have direct ground floor access to the rear garden. It follows that the proposal would not provide occupants with the private amenity space required by Policy DMD 9. In reaching this view, I understand that the Council did not raise this matter as an issue in a previous application. However, I do not have the full details of the previous application before me. Moreover, I must determine the appeal proposal on its own individual merits and any previous acceptance on this matter would not remove or reduce the harm identified above.
10. Turning to internal space provision, the three bedroom unit comprises a two storey maisonette. Policy 3.5 of the 2016 LP requires a four person three bedroom two storey dwelling to provide occupants with a minimum gross internal area of 84 square metres. Based on the Council's measurements, the proposal would provide a gross internal area of 69 square metres. Based on the appellant measurements, the maisonette would provide a gross internal area of 86 square metres. The difference between the measurements is significant.
11. No background calculations have been provided by the parties and the proposed loft floor plan is the only drawing annotated with measurements. Therefore, based on the submitted evidence, I cannot reach a definitive

conclusion on what the precise gross internal area of the maisonette would be. However, I note that a midpoint measurement between the submitted figures of 76.5 square metres would not meet the minimum requirements of LP Policy 3.5. On this basis, the proposal would not provide future occupants with an acceptable amount of internal space.

12. Therefore, I conclude that the proposal would have a harmful effect on the living conditions of future occupants, with particular reference to internal and external space. Consequently, the proposal would be contrary to CS Policy CP4, DMD Policy DMD8, and LP Policy 3.5 which are of most relevance to this matter. Insofar as they relate to this matter, these policies require residential development to be of the highest quality by meeting or exceeding relevant internal and external minimum space standards.

Character and appearance

13. The Council calculate that converted properties at this section of Ecclesbourne Gardens represent 2.9% of housing stock which the proposal would increase to 4.3%. This figure would be within the 20% threshold prescribed by Policy DMD5. However, the Council consider that the proposal would result in 2 out of a consecutive row of 5 units being converted which would be contrary to the Policy DMD5 threshold and harmful to the character and appearance of the surrounding area.
14. However, the 5 units chosen by the Council to assess the proposal against have not been sufficiently justified. As noted by the appellant, when assessed against Nos 53, 51, 49, 47 and 45 Ecclesbourne Gardens, the proposal would satisfy the consecutive row threshold. The appellant's approach has not been challenged by the Council and I have no reason to question it. Consequently, I accept the appellant's point on this matter and conclude that the proposal would not result in an over concentration of conversions in the locality or harm to the character and appearance of the area in this respect.
15. During my site visit, I saw that the rear of the property would be mainly visible from adjacent rear gardens. Views from adjoining rear gardens would include the dormer window at no 55. The appellant states that a dormer could be constructed under permitted development at the site as was the case with the dormer at no 55. This matter has not been refuted by the Council. Moreover, in the context of the dormer window at no 55 and the limited views of the rear roof plane, the proposed dormer would not be a harmful and visually dominate feature. In addition, based on all I have seen and read, I have no reason to disagree with the Council's acceptance of the single storey rear extension.
16. Therefore the proposal would not have a harmful effect on the character and appearance of the surrounding area. Consequently, insofar as they relate to this matter, the proposal would meet the requirements of DMD policies DMD5, DMD13 and DMD37 which require development to avoid an excessive clustering of conversions and be a high quality design that has appropriate regard to the residential character of an area.

Other matters

17. A number of benefits are associated with the proposal which includes its contribution of an additional residential unit to housing supply and support to construction employment. In addition, I have identified no harm in relation to

character and appearance. However this neutral factor and the noted benefits would be outweighed by the harm identified in relation to the first two main issues above. Similarly, an acceptable provision of internal space would not outweigh the harm identified above.

Conclusions

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

B Bowker

INSPECTOR