
Appeal Decision

Site visit made on 22 May 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 30th May 2017

Appeal Ref: APP/Q5300/W/17/3169616
46A Park Road, Enfield EN3 6SS

- 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 Dogan Dogus against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/01912/FUL, dated 17 April 2016, was refused by notice dated 14 November 2016.
 - The development proposed is conversion of a 4 bedroom house into two self-contained flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the Council of the London Borough of Enfield against Mr Dogan Dogus. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the Borough's stock of family-sized housing.
 - Whether the proposal would provide acceptable living conditions for future occupants, with particular regard to noise.

Reasons

Effect of the proposal on the Borough's stock of family-sized housing

4. The appeal relates to a two-storey four bedroomed house with integral garage situated in a residential street. The proposal is to extend the ground-floor to the rear and divide the property horizontally to create a one bedroom first-floor flat and a two bedroom downstairs flat. An equivalent proposal has quite recently been the subject of an appeal¹ which was dismissed on 8 December 2015. The Inspector had supported the Council's reason for refusal over the loss of a family-sized four bedroomed house as detrimental to the overall supply of this kind of accommodation and in conflict with the Council's policies which aim to maintain a range of housing to meet the Borough's needs.

¹ APP/Q5300/W/15/3039173

5. This earlier appeal decision is a material consideration in deciding this second case. The purpose for this proposal is explained as providing for the housing needs of the appellant's extended family, whereby care could be provided for parents whilst still allowing them independent accommodation. Whilst sympathetic to these requirements, and recognising the difficulties in purchasing a second house nearby, I am not persuaded that this need could not be met within the property by means other than creating two separate flats.
6. Therefore, whilst attaching some weight to the personal family reasons given in support of the proposal, these would not outweigh the harm resulting from the permanent loss from the housing stock of a family-sized dwelling which the Council has identified a future need for and which would not likely be met through future new build development.
7. The proposal would gain support through making a small contribution to the overall supply of housing which the Council accepts would be compatible with policies 3.3 and 7.5 of the London Plan and Core Policy 2 of the its Core Strategy² (CS). However, this benefit would be outweighed by loss to the Borough's stock of family-sized dwellings of the kind of accommodation for which there is an identified need.
8. Consequently, the proposal would be contrary to Development Management Document³ (DMD) Policy DMD 5 for the conversion of existing family units into self-contained flats which requires that compensatory provision for family accommodation (3 bedrooms +) be provided. The proposal would also conflict with the aims of CS core policies CP4 and CP5 to secure a range of housing sizes to meet the Borough's needs.

Living conditions for future occupants.

9. The scheme would provide adequate outlook from the windows to the habitable rooms in both flats and the internal space meet the Government nationally described standards. However, the layout would mean parts of the first-floor flat kitchen and living room would be directly above a bedroom in the ground-floor flat. This would mean the potential for noise from activity in the upstairs kitchen and living room transferring down to the bedroom below which would be where quieter conditions are necessary.
10. The appellant considers that this reason does not justify the refusal of planning permission as the scheme would still need to satisfy the sound insulation requirements of the Building Regulations. However, the Building Regulations govern acceptable standards for developments where either new developments or conversions are approved for flatted accommodation. It is still a valid planning consideration to consider whether internal stacking arrangements for new proposals would provide for acceptable living conditions for future occupiers.
11. The design of the existing house might not offer a layout whereby the room arrangements between floors might better correspond. Nevertheless it was designed originally as a single two-storey house and that it would not conveniently subdivide in a manner which avoids living room/kitchen spaces above a bedroom would not alter the fact this arrangement does not provide

² The Enfield Plan – Core Strategy 2010-2025 – adopted November 2010.

³ Enfield's Development Management Document – adopted November 2014.

for satisfactory living conditions. In this respect the scheme would not improve upon the situation with the previous appeal proposal where the Inspector found a first-floor living room and bathroom above a bedroom below adversely affecting the quiet occupation of the latter due to the potential for noise.

Therefore, I find this proposal would not provide acceptable living conditions for the future occupants of the ground-floor flat due to the potential for noise from activity in the first floor living room and kitchen transferring to the bedroom below where quiet conditions would be expected.

12. Consequently this proposal would conflict with the aims of Policy DMD 5 that residential conversion not lead to an unacceptable level of noise and disturbance for occupiers, of Policy DMD 6 requiring a high quality standard of accommodation for new development and of Policy DMD 8 that the general standards for new residential development preserve amenity in terms of noise and disturbance. These policies would be consistent with the core principle in the National Planning Policy Framework to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

13. For the reasons set out above, having taken into consideration all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR