

Appeal Decision

Site visit made on 20 June 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 19th July 2017

Appeal Ref: APP/Q5300/W/17/3171576

34 South Eastern Avenue, London N9 9LR

- 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 EA Properties against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05859/FUL, dated 16 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is the proposed extension and alterations to No. 34 South Eastern Avenue to form 2 No. Dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of single family dwelling house into 2 x self-contained flats, 1x2 bed, 1x3 bed involving single storey rear, part 2 storey, part single storey side extensions and front entrance porch at 34 South Eastern Avenue, London N9 9LR in accordance with the terms of the application, Ref 16/05859/FUL, dated 16 December 2016, subject to the conditions on the attached schedule:

Preliminary Matter

2. The description of the development on the application form is for the "Proposed extension and alterations to No. 34 South Eastern Avenue to form 2 No. Dwellings". However, the description on the appeal form is for the "conversion of single family dwelling house into 2 x self-contained flats, 1x2 bed, 1x3 bed involving single storey rear, part 2 storey, part single storey side extensions and front entrance porch". For clarity I have used this description as it more accurately reflects the development proposed.

Main Issue

3. The main issue is the effect of the proposal upon housing mix in the area.

Reasons

4. Policy DMD5 of the Enfield Development Management Document 2014 (DMD) sets out a number of criteria which applications for a change of use to a flat or a House of Multiple Occupation must meet. One such criterion specifies that proposals should not result in an excessive number or clustering of conversions. The number of conversions must not exceed 20% of properties along any road and only 1 out of a consecutive row of 5 units may be converted.

5. Paragraph 50 of the National Planning Policy Framework (the Framework) recognises that in order to deliver a wide choice of high quality homes, local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.
6. The site forms a semi-detached 2 storey property located on the junction of South Eastern Avenue and Dunholme Road. As a result, the appeal site is 34 South Eastern Avenue and the attached property is 35 Dunholme Road. The Council confirm that No. 35 has been converted into 2 flats and that 46 South Eastern Avenue has also been converted into flats. Consequently, the opinion of the Council is that the proposed conversion would exceed the 1 out of a consecutive row of 5 units permitted under Policy DMD5 of the DMD.
7. However, the explanatory text of Policy DMD5 states at paragraph 4.3.11 that, "A "road" shall be regarded as the full length and both sides of an individually named highway." The case before me relates to 2 individually named highways and therefore, as a matter of fact, the proposed conversion would not exceed the 1 out of a consecutive row of 5 units criterion since the adjoining property is on Dunholme Road and the conversion at No. 46 is more than 5 units from the appeal site.
8. Notwithstanding the above, the Council also refer to Policy CP30 of the Enfield Plan Core Strategy 2010-2015 (the Core Strategy) and Policy DMD6 of the DMD which relate to quality of the built environment and residential character. Moreover, the remaining criterion within Policy DMD5 also relate to living conditions, character and appearance and compensatory provision for family accommodation. In the Council's statement they are clear that the proposed development would meet expected internal space standards, create compensatory family accommodation and would not have a detrimental impact on the character and appearance of the area or the living conditions of adjoining occupiers. I agree with that assessment and as such, find no conflict with these policies.
9. I therefore conclude that the proposed conversion of the dwelling into 2 flats would not adversely affect housing mix in the area. Accordingly, I find no conflict with Policies DMD5 and DMD6 of the DMD and Policy CP30 of the Core Strategy which seek, among other things, to limit the number of residential conversions and to ensure that the scale and form of development is appropriate to the existing pattern of development.

Conditions

10. The Council has suggested a number of conditions if I am minded to allow the appeal. I have reworded them where necessary in the interest of concision and enforceability. To ensure a satisfactory appearance the development should be constructed using materials to match the existing building and details of cycle storage and refuse/recycling bin storage should be provided before the occupation of the flats. In order to protect the living conditions of adjoining occupiers it is also necessary to ensure that the flat roofed areas are not used for recreational purposes. The approved plans should be specified to provide certainty.

11. With regard to the removal of “permitted development rights” for additional windows, the development proposes flats which do not benefit from such rights. As a result, a condition for this purpose is not required.

Conclusion

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

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12157-S001-A and 12157-P003-B
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No balustrades or other means of enclosure shall be erected on the roof of the extensions and no roof of any part of the extensions shall be used for any recreational purpose and access shall only be for the purposes of the maintenance of the property or means of emergency escape.
- 5) Details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before either flat is first occupied and they shall be kept available for their intended purpose in the approved form thereafter.
- 6) Details of the areas for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before either flat is first occupied and they shall be kept available for their intended purpose in the approved form thereafter.