
Appeal Decision

Site visit made on 21 June 2017

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/Q5300/W/17/3168831

205-205B Baker Street, Enfield, London EN1 3LA

- 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 Shreya Patel, Maniland against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/00467/FUL, dated 25 April 2016, was refused by notice dated 11 November 2016.
 - The development proposed is conversion of part of ground floor from retail (A1) into 1 x studio flat (C3) involving two storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of part of ground floor from retail (A1) into 1 x studio flat (C3) involving two storey side and rear extension at 205-205B Baker Street, Enfield, London EN1 3LA in accordance with the terms of the application, Ref 16/00467, dated 25 April 2016, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mrs Shreya Patel, Maniland against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matters

3. Part E of the appeal form states that the description of the development changed to reflect amended plans. For the avoidance of doubt, I have used the amended wording in the header and in my formal decision. I am satisfied that the Council considered the application on this basis, as have I.
4. I have been provided with two application forms with different dates. These also differ to the date of the application given on the appeal form. For the avoidance of doubt, I have used the date given on the amended application form in the header above.

Main Issues

5. The main issues in this case are the effect of the development on;
 - The living conditions of future occupiers, with particular regard to internal living space, private outdoor amenity space, outlook and light;
 - The character and appearance of the area; and

- The vitality and viability of the Baker Street Large Local Centre.

Reasons

Living conditions

6. The appeal relates to a part two, part three storey building. The ground floor is a vacant shop unit, with the upper floors in use as flats. The unit is within a defined Large Local Centre in the Enfield Development Management Document (DMD) (2014). The development would result in the conversion of the rear storage area of the shop into residential use and an extension to the rear that would increase the habitable space of Flat 205B.
7. The conversion is described as a studio flat. I am satisfied that the size and internal layout would, in all reasonable likelihood, limit the occupancy of the unit to one person. The development would provide a floor area of around 38m² of living space. London Plan Policy 3.5 adopts the nationally described space standards, which suggest that for a one bed, one person flat the space provided should be 39m². However, where a shower room is proposed rather than a bathroom, the acceptable figure is 37m² with 1m² of storage. While the living space would not be generous, the overall floorspace provision would meet this standard. I see no reason why the necessary level of internal storage could not be provided.
8. The Council has suggested the internal layout would be contrived. However, it appears to me to represent a logical arrangement of the limited space. The wc/shower room would be small, but would be capable of accommodating the minimum necessary to be functional. The kitchen area is of a reasonable size and there is circulation space within the open plan layout such that it would not feel overly cramped or confined. The size and layout of the flat would not be dissimilar to that of Flat 205B, which I had the opportunity to view during my visit. I saw nothing to suggest that the space provided in that flat was likely to be harmful to living conditions and thus there is no reason to conclude that provided by the proposal would either.
9. The outlook from the windows facing the small yard would be restricted by its narrowness and the high boundary wall. The outlook onto Churchbury Road would, however, not be particularly unusual for a living room on this street. That there is no defensible space here should not lead to any particular level of harm. The use of blinds and curtains would equally not be unusual in this respect, nor should they lead to an unsatisfactory living environment. The outlook would not in my view create an overly oppressive or confined environment for occupants.
10. In terms of sunlight, the Council has made reference to the requirements of the Interim London Housing Design Guide (2010). This has been superseded by the London Housing Supplementary Planning Guidance document (SPG) (2016) which does not appear to include the same specific standards. This does, however, recommend that all homes should provide for direct sunlight into at least one habitable room for part of the day and that kitchens should preferably receive direct sunlight. While in this case the kitchen area would not receive direct sunlight, this is not an absolute requirement of the SPG. The sunlight entering the main living area would ensure the guidance would be met.

11. While the outlook onto the yard would not be significant, the space would allow some penetration of daylight into the living area and would, albeit at a basic level, meet the SPG's objectives in terms of dual-aspect dwellings. The open plan nature of the space would also help to mitigate some of the effects of a lack of direct sunlight into the kitchen. Overall, I do not consider the living conditions of future occupants would be harmed in terms of outlook, sunlight or daylight.
12. The amenity space provided by the small yard would also not be generous. The standards referred to by the Council under DMD Policy DMD9 do not relate to the size or nature of the development proposed. Indeed, the policy provides no standard for one bed, one person dwellings with no shared amenity space. No alternative standards have been provided. While the accommodation would be on the ground floor, it would function very much in the manner of a self-contained flat. It is not unusual for flats to have little or no private amenity space. As such, future occupants are not necessarily likely to expect significant amounts of outdoor space. The situation would be little different for future occupiers of this unit than those living in the flats above. Nonetheless, the space would provide some opportunities for drying clothes and outdoor storage. In this context, I do not consider the amount of amenity space provided would be harmful.
13. The appellant has drawn my attention to the use of large communal refuse bins located on Churchbury Road which already serve flats in the area, including flats 205A and 205B. There is nothing before me which demonstrates that a similar approach could not be adopted for the proposal or that this would be more harmful to living conditions of future occupants than those of existing occupants who make use of such facilities. The appellant has suggested that this could be addressed by condition and I see no reason to conclude otherwise.
14. Similarly, in the context of the nature and constraints associated with the site, it is not clear to what extent it would be reasonable, or decisive, to expect secure cycle parking or the extent to which other dwellings in the area have such facilities. Again, the appellant has suggested that this could be accommodated in the yard and secured by condition. This is an acceptable approach.
15. While not referred to in the decision notice, the Council's officer report also highlights concerns over future living conditions as a result of the noise and disturbance caused by proximity to the commercial use, including noise from deliveries. This is already a mixed use area with people living above shops and along Churchbury Road. The conditions within the new flat would not be dissimilar to existing residents and thus I see little harm in this respect.
16. Taking all matters into account, I am satisfied that the development would not have an unacceptable impact on the living conditions of future occupants. Accordingly, there would be no conflict with London Plan Policy 3.5, CS Policy CP4, DMD policies DMD8, DMD9 and DMD37 or the SPG which seek, amongst other things, to ensure occupants have sufficient internal and external space and adequate levels of light and outlook. There would also be no conflict with the National Planning Policy Framework (the Framework) which expects development to achieve a good standard of amenity.

Character and appearance

17. The external alterations to the building would either be largely screened from view or would result in relatively minor alterations to the Churchbury Road elevation. The Council's officer report notes that there would be no harmful impact on the character and appearance to the area and I saw nothing which would lead me to conclude otherwise.
18. The first reason for refusal refers to the overdevelopment of the site and a "*harmful, incongruous and obtrusive form of residential accommodation that fails to integrate with or ultimately respect the pattern of development and residential character and appearance of the surrounding area*". It is not clear from the Council's evidence how this conclusion was reached.
19. The area is mixed use in nature, with ground floor commercial uses and residential development on upper floors. Even if it is not the norm for the rear of ground floor units to be used for residential purposes, any external evidence of this would be limited and confined mainly to Churchbury Road, which is largely residential in character. The development would therefore complement the mixed use nature of the area without any harmful effect on its outward appearance. In this regard it would be neither incongruous nor obtrusive.
20. There would be some marginal increase in the population density of the site by nature of the extension. The effect of this would not be significant. Any increase in population and activity in the building would not be large in relation to what is already a high density commercial and residential area and thus would not be harmful.
21. I find therefore that the development would not be obtrusive or lead to the overdevelopment of the area. Accordingly, it would not harm the character and appearance of the area or conflict with CS Policy CP30, DMD Policies DMD6, DMD8 or DMD37 or London Plan policies 7.4, 7.5 and 7.6 which seek, amongst other things, to ensure development is of an appropriate scale and form and complements local character. There would also be no conflict with the Framework which requires development to respond to local character.

Vitality and viability

22. The development would lead to a reduction in the floorspace of the unit. However, there would still be an A1 unit in place with a shop front onto the main parade. No substantive evidence has been provided by the Council which demonstrates that the remaining space would not be able to viably function as a small shop or other use within the A1 Use Class. A reduction in storage space does not automatically equate to an unviable unit. There is no reason why the unit could not continue to be put to a use compatible with the scale and function of the centre in terms of meeting local needs.
23. It is not inevitable that the reduction in storage space would reduce potential employment in the unit. This is just as dependent on the nature of the operator, or more so, than simply floorspace alone. Even if it were a case of a simple correlation, it is unlikely that the difference in potential employment levels would be sufficient to constitute a materially harmful impact. The development would not result in the loss of an employment generating unit. I do not accept the Council's assertion that the remaining space would be insufficient to accommodate a wide range of business and employment

opportunities. The A1 Use Class includes a wide range of potential operations and business types, many of which are capable of operating in small units with limited storage space. Moreover, subject to other policies in the plan, the unit may be capable of accommodating other uses compatible with the centre. As such, I see no reason to conclude the development would result in the complete loss of an employment opportunity.

24. In conclusion on this matter, the development would not result in unacceptable harm to the vitality and viability of Baker Street Large Local Centre. Accordingly, there would be no conflict with Core Strategy policies CP18, CP13 and CP17, DMD policies DMD22, DMD24 and DMD28 or London Plan policies 4.1, 4.7, 4.8 and 4.9 of the Framework which seek, amongst other things, to protect vitality and viability of local shopping centres.

Conditions

25. I have considered the suggested conditions from the Council in accordance with the guidance contained in the Planning Practice Guidance (PPG). In addition to the standard condition which limits the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
26. A condition requiring the details of refuse storage to be agreed is necessary in the interests of the living conditions of future and existing residents. I have amended the suggested wording to remove reference to the guidance document as this has not been provided to me and thus I cannot be certain it is necessary or reasonable. A condition requiring the approval of details for secure cycle storage is necessary in the interests of promoting alternatives to the car. I have amended both conditions to remove the pre-commencement requirement as I do not consider this to be reasonable or necessary in this case. I have imposed a condition on water fittings and fixtures to help minimise water use in the interests of water efficiency, in accordance with London Plan Policy 5.15.
27. The Council has suggested a planning condition requiring compliance with Part M4(2) the Building Regulations. However, as referenced in the SPG, Part M is an optional requirement which generally does not apply to dwellings resulting from a conversion or a change of use. I therefore consider that it would not be reasonable, necessary or enforceable to impose such a condition in this case.
28. I have not imposed the suggested condition on CO² savings as there is no specific reference to a relevant development plan policy. It is not therefore possible to determine whether the condition meets the relevant tests. I have also had regard to the advice in the Practice Guidance that conditions restricting the future use of permitted development rights "*will rarely pass the test of necessity and should only be used in exceptional circumstances*". The Council has not provided sufficient justification to warrant removal of permitted development rights.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

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: Baker/16/01, Baker/16/02, Baker/16/03, Baker/16/04, Baker/16/5, Baker/16/07, Baker/16/08 Rev A, Baker/16/09, Baker/16/10, Baker/16/11 Rev A.
- 3) The dwelling hereby permitted shall not be occupied until refuse and recycling storage facilities have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. The approved facilities shall be kept available for their intended purposes thereafter.
- 4) The dwelling hereby permitted shall not be occupied until secure bicycle parking arrangements have been provided in accordance with details previously submitted to and approved in writing by the local planning authority. The approved arrangements shall be kept available for their intended purposes thereafter.
- 5) The dwelling hereby permitted shall not be occupied until details of the internal consumption of potable water have been submitted to and approved in writing by the local planning authority. Submitted details will demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal or less than 105 litres per person per day. The development shall be carried out in accordance with the approved details and maintained as such thereafter.