
Appeal Decision

Site visit made on 5 October 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 14th November 2017.

Appeal Ref: APP/Q5300/W/17/3179176
588 Green Lanes, Southgate N13 5RY

- 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 and Mrs G Sergides against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01435/FUL, dated 29 March 2017, was refused by notice dated 9 June 2017.
 - The development proposed is the change of use of ground floor commercial premises to provide 1 x studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are:
 - The principle of the proposed development insofar as whether or not it would lead to the unjustified loss of a retail unit and break the continuity of a retail frontage;
 - The effect of the proposed development on the living conditions of future occupiers; and
 - Whether or not the proposed development would provide for sufficient car parking in the interests of highway safety.

Reasons

Principle of Development

3. The appeal site is the ground floor of a two storey building. It is located at the end of a terrace of other similar buildings which together form a parade of commercial uses known as the Barrowell Green Local Parade (BG). Residential uses tend to be on the upper floors and in some cases to the rear. The parade is clearly defined and distinct from surrounding wholly residential uses. The ground floor is vacant and the evidence suggests that its last use was as a restaurant (A3).

4. Policy CP17 of the Core Strategy¹ sets out the importance of the role of the district's town centres. Policy DMD 28 of the Local Plan² delves further, applying this importance to local centres and parades, highlighting the contribution they make to the vitality and viability of areas. Amongst other things, it states that proposals involving a change of use from A class, leisure or community use within local centres will be refused unless the proposed use provides a service that is compatible with and appropriate to the local centre. It goes on to state that a change of use from retail to non-retail on the ground floor will only be permitted if all of the specified criteria are met.
5. As a conversion to residential use, it is a matter of fact that the proposed development would result in the loss of a commercial unit. Be that either A1 retail or A3 restaurant depending as to precisely what its lawful use is. It seems clear to me that a residential use would not add anything in terms of the mix of commercial uses in the parade and there is already a concentration of residential uses in the upper floors and surrounding the BG.
6. DMD 28 suggests that a mix of uses in any given centre or parade is appropriate and the evidence suggests there is currently A1, A2 and A3 operating within the BG. There appears to be a distinct lack of any A1 uses that provides a day to day necessity function. Indeed, the proportion of A1 uses currently within the BG falls below what DMD 28 sets out as a minimum by a degree that is more than marginal. Further loss of a unit with the potential to be this would therefore only decrease this proportion further.
7. The loss of the commercial use would not necessarily break ground floor continuity and create a gap in the frontage given its end location. This is however I feel an argument that could be used too often since the adjacent unit then also becomes the end and so on.
8. The development plan requires the loss of any commercial unit in designated areas to be justified and with the above in mind I am not persuaded by the evidence that this has been demonstrated sufficiently to allow its change of use. The principle of the proposed development is therefore unacceptable since it would be contrary to Policies CP17 of the Core Strategy and DMD 28 of the Local Plan which seek to achieve the aims I have set out above.

Living Conditions

9. The proposed development would provide a single bed space flat as part of what could be described as a studio arrangement. The space making up the unit would be largely open plan. The bed, sitting and living area would be combined, the kitchen and shower room separate.
10. The kitchen would have a window and the bathroom would not. The kitchen window would be narrow and directly facing a blank brick wall with which it would also be in close proximity. The bed, sitting and living space would benefit from the existing ground floor front window. This would be its sole window.
11. Whilst, given the size of the unit overall and its layout, the windows would be sufficient for natural light, the outlook from them would be unacceptably poor. In the case of the kitchen due to its proximity to a blank brick wall and for the

¹ Enfield Council Core Strategy 2010

² Enfield Council Development Management Document 2014

front window how restricted it would be by the proposed insertion of privacy film to the lower half which from the plans appears to be a measure to protect occupiers' privacy from the street.

12. For these reasons, and despite there being sufficient light, the poor outlook from the unit would result in an unacceptable standard of living conditions for future occupiers. The proposed development would therefore fail to accord with Policy DMD 8 of the Local Plan. Amongst other things and along with one of the core principles of the Framework, this policy seeks to ensure a good standard of amenity for existing and future occupiers of land and buildings.
13. The Council also make reference to Policy CP4 of the Core Strategy and Policy 3.5 of the London Plan with regard to this main issue. The sufficiency of Policy DMD 8 aside, and on my reading of CP4 and 3.5, they seem to be primarily concerned with housing quality in construction and design respectively. As such I do not consider them to be directly relevant to this main issue, living conditions in particular.

Car Parking

14. The proposed residential use would occupy the ground floor of the premises. Between the front elevation of the building and the back edge of the footway is a forecourt. Access to the unit would be via this forecourt.
15. The proposed plans do not show any provision for onsite parking although the site location plan shows that the forecourt is within the same ownership. There is nothing else before me to counter the appellant's assertion that car parking could be provided on this frontage area. There seems to be sufficient space to accommodate up to two vehicles, an arrangement which looking at the remainder of the parade does not seem uncommon. The proposed unit looks to provide a single occupancy flat and this would not, to my mind, place undue pressure on the provision for parking space that has the capability to be provided.
16. With these factors in mind, it is my view that the proposed development would not, in itself, give rise to an increase for on street parking demand. In addition, the scale of the appeal scheme would be such that it could not be defined as being a significant generator of additional journeys. I am content therefore that the proposed development would be acceptable in highway safety terms.
17. With regard to this main issue therefore, there would be no conflict with Policy 6.3 of the London Plan 2016 or Policy DMD 45 of the Local Plan. Together, amongst other things and along with the Framework, these policies seek to ensure that new development makes appropriate provision for car parking in terms of its level, accessibility and effect.

Other Matters

18. The Council allude to other harms arising out of the proposed development in respect of the constrained nature of the site which would be inconsistent with the surrounding pattern of development. They also set out that it would be detrimental to the general amenities in regard to increased noise disturbance. Pressure on refuse storage and cycle parking is also raised.

19. Taking each matter in turn, the unit would be small but as far as I can see from the evidence within acceptable standards for floor space. The wider area is mixed residential and commercial and does not represent any additional built form. Its visual effect would be largely neutral. I am therefore not persuaded that there would be any harm to character or surrounding development patterns.
20. The vague assertion of general amenities aside, the use would provide for a single residential unit in an area with others of a similar use. I cannot see therefore that it would be unduly harmful in noise disturbance terms. I also note on the plans that provision for cycle parking and refuse storage is shown. I am therefore satisfied that the proposed development would be acceptable in these regards.
21. The scheme would provide more housing but I am not advised of whether there is a specific need for such of the type advanced. Moreover, as a single unit, new provision would be very limited in the grand scheme.
22. I note that alternative retail and other service provision is available elsewhere and a relatively short distance from the appeal site. Whilst this may be the case, on its own, this would not be sufficient to mitigate the harm that would arise from the loss of the unit. In any event, this fact would not be able to make up for the shortcomings of the scheme in respect of its effect on the living conditions of future occupiers.
23. There is provision for the change of use of some commercial uses to residential without the need for planning permission. Such proposals do however require the benefit of a prior approval, a separate submission process to the Council. I do not have an appeal for such a submission before me. The appeal scheme in this case seeks planning permission and I have considered the relevant matters on the merits of the case as they are before me.

Conclusion

24. Whilst the provision for off street parking would be acceptable, this would not be sufficient against the harm that would arise from the principle of the proposed development or its effect on the living conditions of future occupiers. Whilst having regard to all other matters that have been raised, it is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR