



Appeal Decision

Site visit made on 7 November 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 28 November 2017

Appeal Ref: APP/Q5300/W/17/3179050 137A Church Street, Edmonton N9 9RN

- 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 Zacharias Georgiou against the decision of the Council of the London Borough of Enfield.
- The application Ref 17/01325/FUL, dated 23 March 2017, was refused by notice dated 21 June 2017.
- The development proposed is described as "This proposal has been prepared to accompany the application for Retrospective Planning Permission for the change of use of existing rear extension and subdividing the property into 2x1 bed self-contained flats at the property addressed at 137A Church Street, London, N9 9RN.

The application property is a ground floor flat of a semi-attached 3 storey dwelling on Church Street. The property is situated on a residential street.

The site does not fall within a conservation area and there are no listings on the property.

The proposal outlines do not alter the residential C3 use class.

The proposal lies within an existing outbuilding and does not propose to increase the existing floor area.

The existing rear extension out from the existing wall of property on plan, occupies the full width of the original building. The existing extension appears to have been constructed over 10 years ago. The entire property accommodates 2 separate 1 bedroom flat with separate entrances and have been used as 2 flats since the existing extension has been erected.

No further extensions or alterations are proposed as part of the retrospective change of use, and only the existing floor area is being "re-used". Overall the building retains its original outline.

The existing extension is proposed to be demolished and will be rebuilt in accordance with the building regulation requirements whilst the new extension will respect the context of the original property, preserving gaps between the fenestrations which are the characteristic of the original building appearance.

The fenestration, external materials and detailed design of architectural elements of the extension are sympathetic and match to the existing dwelling with matching the existing eaves at roof level. The extension does not unduly affect the amenities of residents of adjoining dwellings. The new extension is to be constructed from brickwork with new glazed openings. None of the proposed development would obstruct public rights of way. Scale and material for those new elements have been considered to retain the character of the property and neighbouring buildings. The proposal do not alter inclusive access to or around the property, nor do they alter existing on street parking arrangements. The vacant rear garden is proposed to accommodate 2 car parking spaces accessed from the existing kerbs. No further alteration is proposed to the existing kerbs.

The perimeter boundary walls are proposed to be refurbished to enhance the streetscape with additional landscaping."

Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst I note that the descriptions of development on the application form and decision notice refer to the retrospective aspects of the appeal I saw that the internal layout of the appeal property differed to that proposed, and I am also mindful of proposals to rebuild the rear element of the property. Consequently, I have assessed the merits of the appeal on the basis of the submitted plans and supporting material.

Main Issue

3. I consider the main issue in this appeal to be whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space, private outdoor space, and cycle and refuse storage.

Reasons

Site, Surroundings and Proposed Development

4. The appeal property is the ground floor of a semi-detached building, including its outrigger and a single-storey element attached to the rear. Set in predominantly residential environs, on the corner of Church Street and Arthur Road, the appeal property has garden and yard space to the front and side, with a parking area currently occupied by a caravan, car and other items to the rear. The appeal seeks consent for the use of the property as two separate one bedroom flats.

Internal Space

5. Policy 3.5 of The London Plan: The Spatial Development Strategy for London - Consolidated with Alterations Since 2011 (adopted March 2016) (the London Plan) seeks to ensure that new development reflects the minimum space standards set out in the Government's *Technical Housing Standards- nationally described space standard* (March 2015) (the Space Standard). The Space Standard sets out the minimum Gross Internal Areas (GIA) to be provided in new dwellings, as well as floor areas and dimensions for key parts of the home, notably bedrooms and storage.
6. The submitted proposed ground floor plan shows a layout with two flats, one occupying the front part of the appeal property, and another in its outrigger and attached single-storey building to the rear. Whilst I note the appellant's comment that the proposed flats would be 1 bed/ 1 person units, the submitted layout shows that they would both have bedrooms larger than the 11.5 SqM GIA requirement for double or twin bedrooms set out in the Space Standard. For the purposes of the Space Standard the size of a bedroom determines how the occupancy of a unit is defined, so a bedroom exceeding 11.5 SqM always constitutes a bedroom that could accommodate 2 persons. Consequently, as these proposed bedrooms would constitute double or twin bedrooms for the purposes of the Space Standard, the relevant minimum GIA requirement for the proposed development is for a 1 bed/2 person unit, which is 50 SqM.

7. The Council estimates that the proposed flat in the front of the appeal property would supply 33 SqM GIA, and the one to the rear would provide 35 SqM GIA, and whilst I note that the appellant considers that the flats would meet the 39 SqM GIA requirement for 1bed/1 person dwellings they have not provided definitive measurements in these regards. Consequently, on the basis of the evidence before me, the proposed flats would significantly undershoot the relevant minimum requirement for internal space set out within the Space Standard. Moreover, it is not clear from the layout plan that the Space Standard requirement for 1.5 SqM of built in storage could be met in the flat to the rear of the appeal property.
8. Whilst I am mindful that the appellant considers the internal layout of the property would maximise solar gain, this is a matter that would not mitigate the significant under-supply of internal space to any material degree.
9. Consequently, due to the proposed development's failure to meet these minimum requirements set out in the Space Standard it would provide insufficient space to meet the day-to-day needs of its future occupants, which would be of considerable harm to their living conditions.

Private Outdoor Space

10. The amenity space provided for both flats would be of a size that would meet requirements set out in the Mayor of London's Housing Supplementary Planning Guidance (adopted March 2016) (the SPG, and Policy DMD9 of Enfield's Development Management Document (adopted November 2014) (the DMD). However, the location of the front garden which is bounded by low walls and in a prominent corner position, adjacent to a busy highway and bus route, means that a very low level of privacy would be afforded to the space's users. Consequently, due to these factors the outdoor space provided for the flat at the front of the appeal property would not meet the day-to-day needs of its future occupants, and therefore fail to provide acceptable living conditions.
11. Conversely, the amenity space associated with the rearmost proposed flat would be in a more discreet location, facing a quieter residential street with taller boundaries present. As a result, this space would be more private than that at the front and for these reasons would provide acceptable space to meet the day-to-day needs of its future occupants.
12. Whilst I note Council comments regarding bin storage and cycle parking arrangements, I saw that adequate space would be available for these elements in the proposed car-parking area to the rear of the site. Consequently, I consider that the proposed development could make adequate arrangements in these regards sufficient to meet the needs of its occupants.

Living Conditions-Conclusion

13. Whilst I have found that the proposed development would supply adequate private outdoor space in respect of the rearmost flat, and that cycle and refuse storage could be accommodated on the site, in the overall planning balance these matters are outweighed by the harmful effects that the proposed development would cause to the living conditions of its future occupants, by a lack of internal space sufficient to meet their day-to-day needs, and in terms of the proposed flat at the front of the appeal building through provision of an amenity space that would not supply adequate levels of privacy and amenity. I

therefore conclude that the proposed development would conflict with Policies 3.5 and 7.4 of the London Plan; Policies CP4 and CP30 of the Enfield Core Strategy (adopted November 2010); Policies DMD5, DMD6, DMD8, DMD9, and DMD37 of the DMD; and the SPD. Taken together, and amongst other matters, the policies and guidance seek to ensure that development results in attractive, inclusive sustainable neighbourhoods, and that housing development provides high quality accommodation that meets minimum floor space standards and delivers good quality private amenity space.

14. As I have been supplied with no substantive evidence to suggest that unacceptable noise impacts formed part of the Council's reasons for refusal of the scheme, I can find no conflict with Policy DMD68 insofar as it seeks to ensure, amongst other things, that developments are not exposed to an unacceptable level of noise. However, the appeal scheme's lack of conflict with this policy does not alter my conclusions on, or outweigh its conflicts with, the other aforementioned development plan policies.

Other Matters

15. I note the appellant's assertions regarding the length of time that the appeal property has been in use as flats, and in respect of the length of time that the rear extension has been present on the site. However, I have been supplied with no substantive evidence to support these assertions or to demonstrate that the use and development are lawful in planning terms. Consequently, this matter does not weigh in favour of the appeal scheme.
16. The appeal building's boundary walls would be improved and I note the intentions to provide additional landscaping. However, whilst these matters could lead to some modest enhancement to the streetscene they are elements of the proposal that clearly could be progressed separately from its other aspects. Consequently they weigh in favour of the proposed development only to a limited degree.
17. I note the aspirations set out in the appellant's Energy Statement to implement measures that would include energy efficiency improvements and concomitant CO₂ reductions in excess of the requirements of Part L of the Building Regulations. However, due to the limited scale of the proposed development this matter weighs in its favour only to a modest degree.
18. In other respects the proposed development would be re-built in materials matching those of its host property to current Building Regulations standards, and would avoid causing harm to the character and appearance of its surroundings. However, as the Building Regulations are minimum statutory requirements, and any visual improvements caused by the re-built extension, due to its scale and visibility would be marginal, I consider that these matters attract only very modest weight in favour of the appeal scheme in the overall planning balance.
19. Whilst I note references to the appeal property's adjacency to bus routes, I have not been supplied with any substantive detail regarding the available services or its Public Transport Access Level, as a consequence this matter only attracts limited weight in the appeal scheme's favour.
20. The appellant considers that the proposed development would result in additional family housing in the area, which would help to meet local needs.

However, given my conclusions on the inadequate amounts of space provided, this matter does not attract any supporting weight in favour of the proposal.

21. I readily accept that the proposed development could avoid harm to the residential amenity of the occupants of its adjacent properties. I note also the appellant's comment that the proposed development would not obstruct any public rights of way. Accessibility to the appeal property would be unaffected by the proposed development, and it would have no adverse parking impacts. The appeal property is neither a listed building nor in a conservation area. However, these matters merely evidence a lack of harm in these respects as opposed to positive benefits of the scheme, and therefore have only a neutral effect on the overall planning balance.

Conclusion

22. I have found that external space provided for the rearmost flat would be acceptable and that the proposed development could supply adequate space for bin and cycle storage. However, these aspects of the scheme do not justify the clear and considerable harm it would cause to the living conditions of its future occupants as a result of its inadequate provision of internal space, and due to the quality of the external space that would be supplied for the flat to the front of the property. Moreover, in the overall planning balance, the considerable weight of the proposed development's living conditions harm clearly outweighs the other benefits advanced in its favour.
23. The appeal scheme would conflict with the development plan insofar as the aforementioned policies are concerned, and no material considerations have been advanced of a sufficient weight to justify a departure from its requirements in this instance. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR