



Appeal Decision

Site visit made on 21 November 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 29 November 2017

Appeal Ref: APP/Q5300/W/17/3181169
36 Nags Head Road, Enfield EN3 7AJ

- 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 Paphitis against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01668/FUL, dated 12 April 2017, was refused by notice dated 21 June 2017.
 - The development proposed is the change of use to 2 studio flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for the occupants of the proposed flats, with regards to internal living space and external amenity space.

Reasons

3. The appellants purchased the appeal property in July 2016. They were subsequently unable to prove to the Council¹ that the property has a lawful use as two self-contained one bedroom flats. As a result the appellants applied for planning permission to the Council for two one bedroom studios.
4. Whilst the appellants statistical analysis of properties on Nags Head Road, including the planning permission granted at 22 Nags Head Road² is useful in terms of the house type, policy 3.5 of the London Plan sets out that all new development should reflect the minimum standards so that new homes have adequately sized rooms which are functional and fit for purpose to ensure a high quality environment.
5. The appellants confirm that the ground and first floor flats would have an overall floor area of 40m² and 41m² respectively. As such, both flats would accord with the minimum gross internal floor area for a one bedroom one person occupancy. However, the plan submitted with the appeal is not clear as to whether each flat would have a single or double bed and I observed double beds in both flats during my site visit. There was also a single bed in the first floor flat. While I note the internal wall between the living and bedroom spaces would be knocked through, there is significant potential that at least the first

¹ ENF/16/1313

² Council Application Ref: TP/09/0900

floor flat would be occupied by two persons. There would also be no way of realistically controlling the specific use of this flat, given the proposed floor plan, to prevent the use of a double bed by more than one person. I have therefore considered the appeal on the basis of the first floor flat being occupied by two persons.

6. Each flat would have separate kitchen and bathroom facilities. Although some studio flats offer a single space to be used as a kitchen, living room and a bedroom, a separate kitchen does not necessarily mean that it is not a studio flat. Table 3.3 of the London Plan is based on the number of bedrooms and bedspaces. In this regard, the proposed first floor flat would not accord with the minimum space standards found in this table and table 1 of the Technical housing standards – nationally described space standard (THS).
7. The property has a good-sized rear garden. This is only accessible to occupiers of the ground floor flat. Policy DMD 9 of the Development Management Document (DMD) explains that *new development must provide good quality private amenity space that is not significantly overlooked by surrounding development and meets or exceeds the following minimum standards: 4m² for one person dwellings and 5m² for one bedroom two person dwellings*. The first floor flat would not accord with either minimum standard. While extra internal floor space could be provided, the justification and guidance to DMD Policy 9 confirms that *this would only apply to units which already meet the minimum internal floor areas to ensure they realise an actual increase in space*.
8. The proposal would add to the housing mix in the area and future occupants would be able to use communal bin and bicycle storage facilities, subject to planning conditions. The scheme would not change the character or appearance of the property and there would not be an increased demand for car parking having regard to its accessibility³ to a range of facilities and services including public transport. However, the proposed first floor flat would be small which would provide for a cramped living environment with no external amenity space for the occupants. Hence, this part of the proposal would result in an unacceptably small living environment, below the minimum standards which would not meet the needs of occupants over the flats lifetime.
9. I conclude that the proposal would significantly harm the living conditions of the occupants of the proposed first floor flat, with regards to internal living space and external amenity space. It would not accord with Core Policy 4 of The Enfield Plan Core Strategy 2010-2025; Policies DMD 5, 6, 9 and 37 of the DMD; Policy 3.5 and table 3.3 of the London Plan; the Mayor of London's Supplementary Planning Guidance – Housing; the THS; and paragraph 17 of the National Planning Policy Framework. Collectively, they require development to be of a size which is functional and fit for purpose so that future occupants of land and buildings have a good standard of amenity.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

³ Paragraphs 17, 39 and 58 National Planning Policy Framework