
Appeal Decision

Site visit made on 21 November 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/Q5300/W/17/3181144
1A Duck Lees Lane, Enfield EN3 7UH

- 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 Adem Kaytaz against the decision of the Council of the London Borough of Enfield.
 - The application Ref 16/05347/FUL, dated 20 November 2016, was refused by notice dated 10 February 2017.
 - The development proposed is change of use from workshop/garage/storage and conversion of the structure to residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - Whether the proposed development would provide adequate living conditions for future occupiers;
 - Whether adequate refuse and cycle storage would be provided; and
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

3. The appeal property is a single storey, flat roof building which lies immediately to the rear of 1A and 1B Duck Lees Lane. It is currently used to store and break down car parts. With the exception of the semi-detached bungalows which bound the appeal site to the north, the surrounding area comprises mainly two storey dwellings fronting the street, set back from the road with moderate sized rear gardens. The appeal property is located along a service lane which runs to the rear of gardens on Duck Lees Lane and Gilda Avenue. There are a number of domestic outbuildings, including garages, of various sizes and designs in these rear gardens some of which are accessed from the service lane.

4. Given the prevailing pattern of frontage development, a standalone dwelling in this location, in what would be a small and cramped plot, would appear as an incongruous intervention. The siting of a dwelling to the rear of those on Duck Lees Lane would create a backland form of development, uncharacteristic and at odds with the existing context. Whilst there are outbuildings within rear garden areas, these are clearly subsidiary to the adjacent properties and their presence does not justify the appeal proposal.
5. Given the variety of designs and styles of the outbuildings along the service lane I am not persuaded that the proposal would look out of keeping. Nonetheless, the fundamental incongruity of the development in the location proposed would have an adverse impact upon the character and appearance of the area.
6. I therefore conclude that the proposal would have a detrimental impact on the character and appearance of the surrounding area and find conflict with Policies DMD 6 and 37 of the Council's Development Management Document (DMD) (2014), Policy CP30 of The Enfield Plan Core Strategy (CS) (2010) and Policies 7.1, 7.4, 7.6 of the London Plan (LP) (2016). These seek, amongst other things, that development is of a high quality, has regard to the form, function and structure of an area, is appropriate to and pays special regard to its context and the existing pattern of development. Having regard to the submitted information, it appears that the property has never formed part of a garden and I have not considered the proposal against Policy DMD7 as a result.

Living conditions – future occupiers

7. Policy 3.5 of LP seeks to ensure that all new development reflects the minimum space standards and are laid out in accordance with the Nationally Described Space Standards, including those in table 3.3 of the LP. This sets a minimum spatial standard for a 2 storey, one bedroom, two person dwelling of 58m². The Council argue that the proposal would provide only 46m² which is considerably short of the minimum floorspace set out in LP Policy 3.5. While the appellant states that the rooms sizes meet those required by the LP, he has not disputed the council's figure for the overall floorspace. Such a shortfall would give rise to cramped and constrained living conditions for future occupiers of the dwelling.
8. The vehicle and pedestrian access to the dwelling would be down a gated, unlit and unadopted track from Gilda Lane which has the appearance and feel of a back lane. I agree with the Council that this would not provide a pleasant or inclusive access to the property for future occupants. One of the core principles of the National Planning Framework (the Framework) is to always seek to secure high quality design and a good standard of amenity for future occupants of land and buildings. The appellant submits that he would improve the quality of the access road such as improvements to the surface as well as sensor lighting and suggests that this could be secured by condition. However, the access road does not appear to be in the appellant's ownership and therefore there is no certainty that these works would be carried out. Such a condition would fail the tests of reasonableness and enforceability as set out in paragraph 206 of the Framework.
9. The Council has also raised concerns in relation to the first floor bedroom window which is close to the adjacent railway line and the possible noise and disturbance which could arise. However, I saw at my site visit that there a number of properties with windows facing towards the railway line on either

side of the tracks. No evidence has been provided with regard to noise levels, but given the distance between the property and the railway line and the existence of a substantial number of properties located at a similar distance, I consider that noise from the railway line is insufficient reason to dismiss the proposal on this basis.

10. The proposed garden area would measure approximately 11m in width and 3.2m in depth. Policy DMD9 of the DPD sets out the minimum standards for amenity space. Table 4.1 of the policy does not provide a minimum standard for a one bedroom, two person dwelling but the proposed amenity space for the appeal scheme exceeds that required for a 2 bedroom, four person dwelling. I accept the garden area would be of a limited depth. However, there would be adequate space for a table and chairs and future occupants to sit out. In light of the above, I cannot conclude that the proposed amenity space would be inadequate for a two person household and find no conflict with Policy DMD 9 in this regard.
11. Notwithstanding, I have found that the proposal would not provide adequate living conditions for future occupiers and find conflict with Policies DMD8 and DMD 37 of the DMD and Policy 3.5 of the LP in this regard, which seek, amongst other things, development that is appropriately located and suitable for its intended function, inclusive and meets minimum spatial standards. In failing to secure a good standard of amenity for future occupants the proposal is also contrary to paragraph 17 of the Framework.

Refuse and Cycle Storage

12. The submitted plans show space for both refuse storage and cycle storage. The Council has concerns that these spaces are not adequate. However, I am satisfied that there would be sufficient space within the curtilage of the building to accommodate the required storage and details of these provisions could have been secured through planning conditions had the appeal succeeded.

Living conditions – existing residents

13. Whilst the proposed dwelling would be visible over the common boundary fences from neighbouring properties, given its modest height and intervening distance, it would not be overbearing.
14. I agree with the appellant that the existing use of the storage and breaking down of car parts is less compatible with the surrounding dwellings than the use of the building for residential purposes. Surrounding residents will already experience noise and disturbance from goings and comings along the service lane and I am not persuaded that a one bedroom dwelling would give rise to a level of noise and disturbance that would be unduly harmful. It is not unusual for gardens within urban areas to adjoin other gardens and I do not find that the use of this area by future occupants would be intrusive.
15. I therefore conclude that the proposal would not have a materially harmful impact on the living conditions of surrounding residents and find no conflict with Policy DMD 8 of the DMD in this regard, which seeks, amongst other things, development which preserves amenity.

Other Matters

16. I acknowledge that the proposal would contribute to housing supply and to the mix and choice of accommodation in the area. I also note that the proposal would be energy efficient and reuse an existing building on previously developed land. However, the limited benefits associated with only one dwelling are outweighed by the harms I have identified above.

Conclusion

17. I have not found harm in respect of the living conditions of neighbouring residents and refuse and cycle storage. However, these findings do not outweigh the harm that I have found to the character and appearance of the area and inadequacy of living conditions for future residents.
18. For the reasons given above and taking all matters raised into account. I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR