
Appeal Decision

Site visit made on 14 November 2017

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 3rd January 2018

Appeal Ref: APP/Q5300/W/17/3179439

1-24 Riverbank, Southgate, London N21 2AA

- 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 Nikon Developments Limited against the decision of the Council of the London Borough of Enfield.
 - The application Ref 17/01062/FUL, dated 9 March 2017, was refused by notice dated 30 May 2017.
 - The development proposed is the formation of third floor involving roof and dormer windows to all elevations to provide 2 x 2 bedroom self-contained flats, 3 storey rear extension to provide lift shaft and installation of French doors and Juliette balconies to rear of all 4 blocks to provide a total of 8 additional residential units.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Nikon Developments against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matter

3. Drawing 1033 01 01 Rev B, submitted with the appeal shows only 8 proposed car parking spaces within the communal open space, rather than the 16 spaces as proposed on the plans submitted with the application. The revised layout would address the Council's concerns with the overprovision of car parking and responses from interested persons on the appeal indicate they were aware of this proposed change. Furthermore, even if I were to consider the proposal on the basis of the plans originally submitted, the number of parking spaces could be limited by means of a condition. As such, I do not consider anyone would be disadvantaged by my consideration of the appeal on the basis of the amended parking plan.

Main Issues

4. The main issues in the appeal are:
 - Whether the development would provide satisfactory living accommodation for future occupiers in respect of private amenity space;

- The effect of the proposal on the character and appearance of the host properties and surrounding area;
- The effect of the proposed parking and servicing arrangements on highway safety; and
- The effect of the proposed alterations to the communal open space on the living conditions of existing and future occupiers.

Reasons

5. The appeal site comprises four three storey residential blocks, each accommodating 6 flats. Two of the blocks have a frontage to Green Lanes and two are situated along Firs Lane, with the main entrances facing into a courtyard with a rectangular lawned communal open space, with shrubbery at each corner. The buildings are part of an estate which includes semi-detached houses positioned around the other two sides of the green space, but a four storey former telephone exchange building is situated on the corner of Green Lanes and Firs Lane and there are some other three and four storey apartment blocks nearby which provide some variety in the form and design of buildings in the vicinity.

Living conditions – private amenity space

6. The floor plans submitted with the application indicate that each flat would include one double bedroom and one single bedroom. Policy DMD9 of the Development Management Plan (DMD) (2014) requires each 2 bedroom 3 person dwelling to provide at least 6 square metres of good quality private amenity space but no private amenity space is proposed. As such the proposal is in conflict with policy DMD9.
7. I note that planning permission was granted for a roof extension in 2014 for the same number of units which has since expired, where no private amenity space was proposed. However, the DMD was adopted after the determination of this earlier planning permission. The appellant considers that the scheme would accord with the London Plan Housing SPG, which states that in exceptional circumstances a lack of private amenity space can be compensated with additional internal living space equal to the minimum amenity space requirement.
8. Nevertheless, this is guidance rather than adopted policy and I have not been provided with any compelling evidence that the circumstances are so exceptional that 8 additional family sized units should be provided without any private amenity space. Moreover, there is nothing to indicate that a proposal could not come forward that would provide some private amenity space for future occupants. Policy DMD9 also states that in the case of proposals where communal open space is provided, the space should not be publicly accessible or overlooked by other properties, as in this case.
9. Taking all of the above into account, I conclude that the proposal would not provide satisfactory living accommodation for future occupiers in respect of private amenity space, contrary to DMD Policy DMD9. It would also be contrary to policies DMD6, DMD8 and DMD37, and policies CP4 and CP30 of the Core Strategy (CS) (2010), which require a high quality of design in all new residential developments.

Character and appearance

10. The existing flat blocks have hipped roofs set back from each elevation behind a parapet wall, with a central chimney stack. As such they are well proportioned in relation to the building as a whole. The proposed roof extensions would have a mansard roof with dormer windows and a lift shaft at the rear of each block. Although the overall roof height of the appeal scheme would be lower than at present there would be an overhang at eaves level with the result that the roof would have a greater massing. However, the dormer windows would generally follow the pattern of fenestration to the main elevations and would be modest in size. As a result the development would not have an unacceptable impact on the character and appearance of the host buildings.
11. Turning to the wider area, the blocks are set well back behind landscaped areas and enclosed by mature trees along both the Green Lanes and Fir Lane site boundaries. The development would also be viewed in the context of the larger former BT building nearby, and other three storey buildings, some with dormer roof accommodation on Firs Lane and Green Lanes. Whilst the roof form of the buildings would be altered and would have a greater mass than existing, the development would not appear excessively out of scale with its surroundings and would blend satisfactorily into the street scene.
12. I therefore conclude that the proposal would not harm the character and appearance of the host property or surrounding area, and would not conflict with CS policy CP30 which seeks to maintain and improve the quality of the built and open environment, or policies DMD6, DMD8, DMD13 and DMD37 (2014) insofar as they require development to be in keeping with the locality and of an appropriate density, scale, bulk and massing.

Effect of proposed parking and servicing arrangements on highway safety.

13. DMD Policy 45 requires car parking provision to be in line with the London Plan maximum parking standards, having regard to the scale and nature of the development, public transport accessibility levels, accessibility to local amenities and existing parking pressures in the locality.
14. There are 16 existing non-allocated car parking spaces within the site for the 24 existing flats. The plans submitted with the application showed 16 spaces, and the second reason for refusal of the appeal scheme states that the development would result in an overprovision of car parking. A revised parking layout shown on 1033 01 01 Rev B,¹ submitted with the appeal indicates that 8 car parking spaces would be provided, in accordance with the maximum requirement of 1 space per 2 bedroom unit in the London Plan and Appendix 7 of the DMD.
15. The parking and servicing arrangements are the same as in 2012, when the Council found them to be acceptable. Drawings N.018/1 to 5 submitted with the previous application² show that the swept path of a refuse vehicle in and out of the appeal site could be accommodated within the access road and these arrangements would be unchanged in the appeal proposal. Furthermore, no compelling evidence has been provided to demonstrate that the parking

¹ Appendix 9 to appellant's Grounds of Appeal

² Ref. P12-02105PLA

situation in the vicinity of the appeal site has materially worsened since the previous scheme was permitted.

16. The additional car parking spaces would be provided within the communal open space rather than on the access road and thus would not be an impediment to access. In addition, although no parking management plan has been provided this could be required by condition.
17. I therefore conclude that the proposed parking and servicing arrangements would have no adverse impact on highway safety, in accordance with DMD policies DMD45 and DMD 47.

Effect of the alterations to communal open space on living conditions of existing and future occupiers

18. The existing communal space is grassed with shrub planting at each of the four corners. There are no play facilities or seating within the space but it has a visual amenity benefit and provides opportunities for informal recreation. Parking for the existing flats is unallocated and takes place along the private access road which encloses the communal open space. Residents have stated that parking takes place on the grassed area with the result that the edges have become muddy, and this was confirmed by the Council and my own observations on site.
19. Drawing 1033 01 01 Rev B shows that 8 car parking spaces would be provided along three sides of the communal open space, two near to each of the four residential blocks. This would result in the loss of part of the space, but the loss would be minimal in comparison to the size of the space as a whole, and therefore would not prejudice the continued use of the space by residents, or its visual amenity value. The provision of formal parking spaces along the edges would also assist in the regularisation of current parking practice on site, which has led to an unattractive appearance at the edges of the green space. The parking spaces could be paved with 'grasscrete' type open paving blocks or similar to minimise the visual impact.
20. I therefore conclude that that the development would not have a harmful effect on the living conditions of existing and future occupiers of River Bank, in respect of the impact on the communal open space.
21. CS Policy 34 and DMD Policy DMD 71, cited in the Decision Notice, appear to relate to the protection of public open space, and thus are not directly relevant to the appeal scheme.

Balancing and Conclusion

22. I have found that the proposal would not harm the character and appearance of the area, and the parking and servicing arrangements would be satisfactory. I have also found that the use of part of the communal open space for the provision of 8 car parking spaces would not be harmful to the living conditions of existing and future occupiers. However, the development would not provide adequate private amenity space for future occupiers, to the detriment of their living conditions, particularly as these units could be occupied by families with young children.
23. The Council previously considered a development of a similar nature to be acceptable and did not object to the absence of private amenity space in that

scheme. I am also aware that the existing flats within River Bank do not benefit from any private amenity space. Nonetheless, the conflict with the subsequently adopted DMD policy DMD9 weighs against the scheme, and although there would be some benefits arising from the 8 additional units, in terms of additional housing and efficient use of land, these benefits would not be sufficient to overcome the harm I have identified.

24. I therefore conclude that the appeal should be dismissed.

Claire Victory

INSPECTOR