



Appeal Decision

Site visit made on 7 March 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal Ref: APP/Q5300/W/18/3218134

10A Upper Floors, St Georges Road, London, N13 4AS

- 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 Evo Evogora against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/02198/FUL, dated 29 May 2018, was refused by notice dated 20 August 2018.
 - The development proposed is conversion of first and second floor into 1 x 1-bed and 1 x studio flats (Part Retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address and description of development were amended by the Council and agreed by the appellant. I confirm I have taken the spelling of the surname of the appellant from the appeal form, rather than application form, as there is a discrepancy between the two forms. I was able to see at my site visit that the flat on the first and second floors had been converted into two flats. The appeal proposal is therefore partly retrospective, but has been assessed on the basis of the plans listed on the Council's decision notice.
3. The adjoining property, No.12 St Georges Road, which is substantially the same as the appeal property, has also been the subject of a planning application for the conversion of the upper 3 bedroom flat into two smaller flats. The development proposed effectively mirrors what is proposed in this case. This application has been refused planning permission and is the subject of a separate appeal (Reference APP/Q5300/W/18/3218133).

Main Issues

4. There are three main issues: (i) whether or not the proposed development would result in the unacceptable loss of a family sized dwelling (ii) whether the proposed development would provide acceptable living conditions for future occupants (iii) the effect of the proposed development on the character and appearance of the area.

Reasons

Loss of family sized dwelling

5. The development would involve the loss of a 3 bedroom property with amenity space to 2 smaller units –flat 1 with 1 bedroom and flat 2 with a studio bedroom. Both flats would have access to shared amenity space and flat 1 would also have access to a balcony.
6. Policy DMD5 of the Enfield Development Management Document (2014) (DMD) seeks to protect family accommodation, which comprises 3+ bedrooms, unless compensatory provision of family accommodation is made within the development.
7. The Council's reason for refusal makes reference to Enfield's Strategic Housing Market Assessment (Enfield SHMA) 2010 which identified a need for larger family sized dwellings and an oversupply of smaller single person accommodation and, as the appellant notes, the Council also makes reference to the Housing Needs Survey (2005) to support its policy objection.
8. My attention has been drawn to the 2017 London Strategic Housing Market Assessment (London SHMA) which has identified a large increase in the requirement for one bedroom homes and the policies of the draft London Plan 2018, which amongst other things, would require Boroughs to avoid policies that prescribe a rigid mix of dwelling size requirements.
9. The policy implications of the 2017 London SHMA need to be worked through the London Plan 2018, but as the examination in public of this draft plan has only recently been completed, I give this plan and London SHMA limited weight.
10. Reference has also been made to the Mayor's Housing Supplementary Planning Guidance (HSPG) March 2016 and, in particular, paragraphs 1.2.34 and 1.2.35 within the narrative on residential conversions, which identify the importance of conversions in overall housing supply and in meeting the needs of smaller households.
11. Detailed information has been submitted from the Enfield Strategic Market Assessment Update 2015. Table 11.4 of that document, which identifies total demand for market housing in Enfield, identifies that there is significantly higher demand for one bedroom flats, than for 3 bedroom flats.
12. However, when considering the total demand for accommodation in Enfield set out in Table 11.4, the demand for 1 bedroom properties (including concealed households) comprised 18% of the total demand. In contrast, the identified demand for 3 bedroom accommodation, at 29%, is substantially higher overall and includes demand for over 450 3 bedroom flats/maisonettes.
13. Reference has also been made to Census information for 2011 and the proportion of household types in Palmers Green. But this information doesn't include any comparable information about the current provision of housing of different types, so is of limited value in revealing the level or type of need for additional housing in the area and, therefore, is of limited weight.
14. Drawing this evidence together, I accept that the Enfield SHMA was undertaken some time ago and more recent assessments have been undertaken at both strategic and local level.

15. Furthermore, I note and give weight to the evidence that there is both a need and demand for 1 and 2 bedroom accommodation in Enfield and that across London the need for smaller accommodation is likely to grow.
16. But as Policy 3.8 of the current London Plan (2016) (London Plan) makes clear it is for the Boroughs to identify the range of needs likely to arise within their areas having regard to a range of considerations.
17. In that regard, and notwithstanding my conclusion about the 2010 Enfield SHMA, I give weight to the Council's adopted Core Strategy for 2010-2025, which was the subject of public examination before adoption.
18. It is also clear from the evidence on demand identified in the Enfield Strategic Market Assessment Update 2015, that although demand for 1 bedroom flats is significantly higher than for 3 bedroom flats, the overall level of demand for 3 bedroom accommodation in Enfield significantly exceeds that for 1 bedroom accommodation and the need identified in 2015, includes demand for a substantial number of 3 bedroom flats/maisonettes.
19. Balancing the considerations I have identified above, I find that the proposed development would lead to the loss of family accommodation for which there is a clear need. Although I also give weight to the evidence regarding the need for 1 bedroom accommodation in Enfield and across London, I do not consider this outweighs the harm caused by the loss of family accommodation in this case.
20. Accordingly, I find the proposed development would be in conflict with the requirements of Policy DMD5 of the DMD which seeks to provide compensatory provision for the loss of family accommodation and also Core Policy 5 of the Enfield Core Strategy (2010) (CS) and Policy 3.8 of the London Plan which, in line with the National Planning Policy Framework (the Framework), seek to ensure the mix of housing provided meets local and strategic need.
21. In reaching my conclusion on this issue I have had regard to the other matters raised by the appellant.
22. I note the appellant's point that the loss of the existing 3 bedroom flat (which has a dedicated amenity space) cannot be regarded as family accommodation for the purposes of the policy DMD5. However, the reference in the policy simply states that family accommodation comprises 3 bedrooms +. The reference to such accommodation having direct, ground floor access to dedicated amenity space in the reasoned justification is made in relation to "compensatory" family housing.
23. Furthermore, there is no substantive evidence to support the view that that the current lawful arrangement of two units of family accommodation within No.10 St Georges Road, each with their own separate private amenity space (one with direct access and one with indirect access to their amenity space) is either unique, or unsatisfactory, for family accommodation.
24. Nor do I agree that the existing and entirely separate ground floor flat, which does not form part of the application¹, could be described as compensatory provision within the terms of policy DMD5, as this would mean that there would

¹ Drawing No: P001 identifies the ground floor flat is not part of the application.

be a net loss in provision of family housing overall, which would be contrary to the stated purpose of the policy.

25. I do not find the Council's decision to refuse permission for the conversion of a single family dwelling house at 66 Waterfall Road London N14 7LB to be inconsistent with their decision in this case. In both cases the Council has sought to protect family accommodation. Where compensatory family accommodation is proposed then it should provide direct ground floor access to a dedicated amenity space to meet the requirements set out in Paragraph 2.3.8 of the reasoned justification for the policy.
26. Finally, I do not consider that the policy requirement in Paragraph 118(d) of the Framework regarding the development of under-utilised land and buildings is relevant in this case as the current lawful use as a 3 bedroom flat does not represent an under-utilisation of the property and it provides accommodation for which there is clear need.

Living conditions for future occupants

27. The gross internal area (GIA) for the proposed first floor flat is 55 m². This level of floorspace proposed exceeds the minimum standard of 50 m² required for a 1 bedroom two person flat set out in the London Plan and national standards².
28. Although I accept that the provision of a study might better facilitate the occupiers of the property working from home, the ability to work at home is not dependant on the provision of a dedicated study room and I share the Council's view that the study is capable of use as a second bedroom.
29. I note that it is proposed to make the proposed study smaller than existing by expanding the floorspace in the bedroom and adding in a large store/cupboard. This would mean the room would have a floorspace of 7m² below the national standard of 7.5m². However, further alteration of the internal walls would not require planning permission and, whether reconfigured or not, the use of this room as a bedroom, would as the appellant acknowledges "be difficult to police."
30. Furthermore, use of two rooms as bedrooms would be consistent with the provision of the second bathroom that is proposed in the revised layout. As a 2 bedroom 3 person flat, the level of floorspace proposed falls below the minimum level of floorspace required in the London Plan of 61 m².
31. In terms of amenity space, the first floor flat has access to a communal amenity space at the rear of the property. Although the management arrangements for this space, which is shared with the second floor flat, are not clear, there is no evidence to suggest that suitable arrangements cannot be put in place and thus this element complies with the provisions of DMD Policy DMD9.
32. Policy DMD9 also requires the provision of minimum private amenity space for each flat or, exceptionally, compensatory additional floorspace above the minimum floorspace standard. The first floor flat has access to a balcony which was granted planning permission in 2010, although it is unclear whether it

² Policy 3.5 of the London Plan (2016) / Technical housing standards – nationally described space standard 2015

- meets the minimum floorspace requirements of 5m² or 6m² (depending on whether the flat is a 1 bedroom or 2 bedroom flat).
33. The appellant states that the GIA for the proposed second floor flat is 37.5 m² (44.5m² including circulation space i.e. stairs). The floorspace standards require a minimum of 37m² of floorspace for a 1 bedroom/1 person accommodation (with shower room) in a one storey dwelling.
34. Although the total floorspace proposed just exceeds the minimum floorspace, the configuration of the floorspace, in particular the provision of the bathroom on a different level to the remainder of the flat and the limited floor to ceiling height in over 20% of the floorspace, serves to illustrate the cramped nature of the accommodation proposed.
35. The proposed second floor flat has access to communal amenity space, but no private amenity space. Excluding the circulation space provided i.e. stairs, the level of floorspace available at 37.5 m² would not meet the requirement to provide the additional compensatory provision of 4 m² above 37 m² for a one storey dwelling that would be required to meet the policy requirements of Policy DMD9. Even if the circulation space is included, I do not consider the layout and the configuration of the floorspace would be satisfactory.
36. In conclusion on this issue, I find that proposed development would result in a first floor flat that would not have sufficient floorspace to meet the minimum floorspace requirements, given my concern about the future level of occupancy of the flat, and a second floor flat that would lack any private amenity space (or adequate compensatory floorspace) and would have a poor internal layout. These shortcomings would harm the quality of living conditions enjoyed by future occupants and result in the provision of sub-standard accommodation.
37. Accordingly, I find the proposed development conflicts with CS Policy CP4, DMD Policies DMD5, DMD8 and DMD37, Policy 3.5, 7.4 and 7.6 of the London Plan and the HSPG and the Technical housing standards – nationally described space standard 2015. These policies, amongst other things, seek to ensure satisfactory standards of accommodation are provided.
38. The proposed development would also conflict with DMD Policies DMD 8 and DMD 9 in so far as they also seek to ensure the provision of good quality private amenity space for residential accommodation.

Character and appearance of the area

39. Local residents have expressed their concern about the harmful impact the unauthorised conversion of No.10A (together with the adjacent property No. 12A) has had on the amenity of the wider area in terms of additional parking pressures, additional noise, vehicle movements and disturbances.
40. Two visible impacts of the greater intensity of activity that can result from the conversion of properties, namely additional car parking and a proliferation of refuse/recycling bins at the front of the property were apparent on my site visit. The quality of the layout and appearance of the area at the front of the building is poor and detracts from the street scene.
41. It is not clear what the net impact of the unauthorised conversion of the upper flat has been compared the lawful use of the property, but the loss of the front garden area to off street car parking does not appear to be confined to

converted properties in this road. And it would be possible to impose a planning condition, if planning permission were granted, to require space to be allocated for the storage of, at least some of, the refuse/recycling bins at the rear of the property.

42. Having regard to the recent appeal decision³ and current permitted use as 3 bedroom family accommodation, the number of occupiers would be unlikely to be materially different compared with the capacity of the existing property and there would be no noticeable impact on the amenity of the area.
43. As I noted earlier, the balcony available for the occupants of the proposed first floor flat already has the benefit of planning permission, so there would no additional impact on the amenity of adjoining residential occupiers from this element of the proposal.
44. Furthermore, as No.10 St Georges Road was converted into two flats in 2008, the number of houses in the road that have been converted into flats would not increase.
45. Having regard to the specific considerations in this case, I find the proposal would not materially change the character or appearance of the area and therefore I find no conflict with CS Policy CP 30, DMD Policies DMD 5, DMD 45 or DMD 68 on this issue. These policies, amongst other things, seek to ensure that new development maintains or enhances the quality, amenity and character of the local area.

Other matters

46. As the proposed balcony on the first floor to the rear of the property already has planning permission, I do not agree that the proposal would give rise to an increased potential for overlooking and loss of privacy to the surrounding residential properties and therefore I find no conflict with any development plan policies on this point.

Conclusion

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

Anthony Thompson

INSPECTOR

³ APP/N5090/W/17/3180843