
Appeal Decision

Site visit made on 28 January 2019

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/Q5300/W/18/3210320

Wonderland Day Nursery, 2-16 Burleigh Parade, Burleigh Gardens, London N14 5AD

- 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 Osman Ismail against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/00755/FUL, dated 20 February 2018, was refused by notice dated 17 May 2018.
 - The development proposed is part conversion of ground floor from nursery and offices to D2 and residential
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) the standard of amenity of the proposed flats; ii) the existing community facility; iii) the function and character of the District Centre.

Reasons

3. The proposal is for a change of use and conversion of most of the ground floor from a nursery (D1 use class) to residential units comprising 6 self-contained flats: 2 one-bed, 2 two-bed and 2 three-bed units and retaining part of the existing D1 use at the south-eastern end of the ground floor. I note that the application form, and the application plan showing the 'Proposed ground plan', refers to the day nursery D2, instead of the correct D1 use class, but take it that these are a drafting errors. I will deal with the appeal development accordingly.
4. The application site is situated on the edge of the Southgate District Centre. Burleigh Gardens, which ends with Burleigh Parade, joins Ashfield Parade at a right angle bend in the highway. Ashfield Parade is the outer edge of the shopping centre on the west side of the High Street. The surrounding area is predominantly residential in character consisting of a mixture of styles of mainly semi-detached properties at Burleigh Gardens, Chase Way and Oxford Avenue.
5. The application site comprises a four-storey building of an art deco 1930's design with a later mansard addition. The building fronts Burleigh Gardens and

wraps around a garage and parking court at the rear. Vehicular and pedestrian access to the rear is through a gated passageway under the western end of the building. Immediately next to this entrance is a pair of semi-detached houses that mark the beginning of the residential area. At the southern end of the garage/parking court is an area currently laid out as a fenced-off play area for the nursery, having some play equipment and a rubberised safety surface. The front of the building is set immediately behind the footway to Burleigh Parade. There is kerbside parking along the carriageway.

6. The building consists of flats on the upper floors and formerly had offices at ground level. The ground floor is currently a day nursery, although it is vacant, the business having closed. All of the windows to the nursery accommodation are fitted with a form of glazing that prevents views into the rooms for obvious privacy reasons, but allows views out.

Standard of amenity of the proposed flats

7. The proposed change to residential use would clearly help deliver a wider choice of dwellings and range of housing sizes that would be in accord with the London Plan, the Council's Core Strategy and the National Planning Policy Framework. The floorspace of the proposed flats is calculated by the Council to meet the minimum space standards set by the Nationally Described Space Standards and there is no criticism of the internal layout.
8. However, the bedrooms and living rooms would have windows fronting a busy footway with kerb-side parking. Notwithstanding the intended modern double glazed windows that are said to shield noise effectively, in my assessment it would be likely that the occupants of the proposed flats would be subject to unacceptable levels of noise and disturbance, particularly if the windows were capable of being opened. In addition, whilst the glazing would prevent passers by from looking into the accommodation and would allow the occupants to look out, it would be to an outlook that would be unattractive. This would not be conducive to a pleasant living environment. Furthermore the rear outlook would be onto a yard with garages and parked cars that would be uninviting. In addition, the small amenity area at the rear of the site would be some 30m away, adjacent to and accessed through a parking and garage area.
9. As a result, the proposal would produce residential units having a poor standard of amenity due to unacceptable noise and disturbance, a poor relationship with the outside, and without adequate and pleasant communal amenity space. It therefore fails to meet the requirements of policies DMD8 (standards of new residential development), DMD9 (amenity space) and DMD68 (noise) of the Development Management Document¹ (DMD), and 3.5 (quality and design of housing development) and 7.15 (reducing noise) of the London Plan.

The existing community facility

10. DMD Policy DMD17 resists the loss of community facilities unless a suitable replacement facility is provided that maintains the same level of public provision and accessibility or evidence demonstrates that there is no demand

¹ Enfield London Borough Council: Enfield's Development Management Document Adopted November 2014

for the existing use or any alternative community use. I am told that the nursery closed in February 2018, due to lack of business, and the staff were made redundant. It had not run at full capacity for years and its revenues had been declining. In addition the outside play space is insufficient and is only accessible after a 30m walk over a busy car parking area. The reduction to a smaller nursery facility, as proposed, may be commercially viable.

11. However, the Council contends that there was previously an indication that the facility was successful, but in any event there has been no clear evidence submitted to demonstrate that the existing business was failing or that any attempt had been made to find an alternative tenant willing to continue with the facility as a nursery.
12. It appears to me that it might be reasonably expected that a location on the edge of a large residential area and the edge of a district centre would be very suitable for such a business to flourish. Notwithstanding that a smaller area of D1 use would be retained in the development, I am satisfied that the criteria of Policy DMD17 (protection of community facilities) have not been met and that the appeal development breaches Core Strategy² Policy CP9 (community cohesion).

The function and character of the District Centre.

13. The appeal site is at the point where district centre uses end and residential development begins. The site has never been a retail frontage, having been built as offices. Nothing at my visit suggested to me that the site is an integral part of the centre and a conversion of the ground floor to residential use would not, in my judgement, be to the detriment of the vitality and viability of the Southgate District Centre.
14. The Council relies on policies DMD27 (District Centres), DMD37 (high quality design-led development), CP17 (Town Centres) and CP30 (maintaining and improving the quality of the built and open environment) and 7.4 (local character) of the London Plan. However, for the reasons set out above, I do not consider that these policies support the refusal of planning permission in this case.

Conclusion

15. Having considered all matters raised, I have found that the proposed development would fail to provide a satisfactory standard of amenity for occupiers of the proposed flats as required by Policies DMD9, DMD68 and 3.5 and 7.15 of the London Plan. In addition the substantial reduction of the existing community facility would breach Policies DMD17 and CP9. I therefore dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR

² Enfield London Borough Council: Core Strategy Adopted November 2010