

---

## Appeal Decision

Site visit made on 12 June 2019

by D A Hainsworth LL.B(Hons) FRSA Solicitor  
an Inspector appointed by the Secretary of State

**Decision date: 03 September 2019**

---

**Appeal Ref: APP/Q5300/C/18/3217043**  
**22 Latymer Road, London N9 9PU**

- The appeal is made by Avon Investments Limited under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/17/0523) issued by the Council of the London Borough of Enfield on 26 October 2018.
- The breach of planning control alleged in the notice is "the unauthorised material change of use of the Premises into two separate units of accom[m]odation".
- The requirements of the notice are as follows: -
  - "5.1 Cease the use of the Premises as two separate units of accom[m]odation
  - 5.2 Remove all kitchen, cooking facilities and white goods installed in one of the units of the Premises.
  - 5.3 Remove all doors and partitions serving to divide the Premises into two separate units
  - 5.4 Remove all resulting materials from the Premises"
- The period for compliance with these requirements is three months.
- The appeal is proceeding on the ground set out in section 174(2)(a). Since the appeal has been brought on ground (a), an application for planning permission is deemed to have been made by section 177(5) in respect of the matters stated in the notice as constituting a breach of planning control.

---

### Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for the change of use of 22 Latymer Road, London N9 9PU into two separate units of accommodation, subject to the following condition: -
  1. If within one month of the date of this decision details of the facilities to be provided for the secure parking of bicycles have not been submitted in writing to the local planning authority for their written approval, or if the approved facilities have not been provided as approved within six months of the local planning authority's written approval, the use of the house as two separate units of accommodation shall cease until the approved facilities have been provided. The facilities provided as approved shall be retained as approved.

## **Reasons for the decision**

### *The main issues*

2. The main issues in deciding whether planning permission should be granted for the change of use are (i) whether it has resulted in the loss of family accommodation, (ii) whether the standard of accommodation in the flats is acceptable (iii) whether the flats have an unacceptable effect on the character of the area or the amenities of neighbours and (iv) whether the flats have an unacceptable effect on parking conditions in Latymer Road.

### *Whether the change of use has resulted in the loss of family accommodation*

3. The property is a large two-storey mid-terrace house with a ground-floor extension and accommodation in the loft space. It was formerly a single family dwellinghouse.
4. The house has been converted into two self-contained flats - a two-bedroom flat on the ground floor and a three-bedroom flat that occupies the first floor and the loft space. The front yard and front door are shared, with each flat having its own access door off the entrance lobby. Only the ground-floor flat has access to the rear garden.
5. When family dwellinghouses are converted into flats, Policy DMD 5 of Enfield's Development Management Document expects compensatory provision for family accommodation to be provided within the conversion. The policy indicates that family accommodation in this context means a flat having at least three bedrooms with direct, ground-floor access to its own external amenity space.
6. Applying this policy, neither of the two flats meets the criteria. However, a public consultation document "Towards a New Local Plan 2036", published by the Council in December 2018, states at paragraph 5.5.4: "Family units have historically been considered to consist of three or more bedrooms. However, in line with the draft London Plan, as many families now live in two-bedroom units, two-bedroom units should also be acknowledged as helping to cater for the needs of families". The ground-floor flat might on this basis be classed as family accommodation, since it has two bedrooms and has direct, ground-floor access to its own external amenity space.

### *Whether the standard of accommodation in the flats is acceptable*

7. Policy DMD 5 states that flat conversions must provide a high quality form of accommodation which meets internal floor space standards. The quality called for appears to me to have been achieved. The overall floor area of each of the flats exceeds the space standards applied by the Council. As to individual rooms, the ground-floor rear bedroom is slightly narrower than the standard, but this is compensated for by its length, and, although the first-floor kitchen is somewhat small, it satisfactorily accommodates all the essential basic kitchen equipment, work surfaces and cupboards.
8. Refuse and recycling bins are stored in the front yard where there is ample space for them. There is space for cycle parking in the front yard as well, and at the rear of the property for the ground-floor flat.

*Whether the flats have an unacceptable effect on the character of the area or the amenities of neighbours*

9. Policy DMD 5 sets out further criteria that should be met when houses are converted into flats. These include provisions that the residential character of the area must not be harmed and that the conversion must not result in an excessive number or clustering of conversions or lead to an unacceptable level of noise and disturbance for neighbours.
10. As to clustering, the policy states:

“The number of conversions:

  - must not exceed 20% of all properties along any road; and
  - only 1 out of a consecutive row of 5 units may be converted.”
11. The appellant maintains that if the first bullet point has been complied with the second bullet point does not come into play. The policy could have been set out and punctuated more clearly, but I do not consider that it can reasonably be interpreted in the way the appellant maintains.
12. Latymer Road is almost wholly residential in character and contains mainly two-storey terrace and semi-detached houses. A very small percentage of the total number of houses has been converted into flats, but there is a row of four flats at Nos 14 to 20. A conflict with the second bullet point has in my view arisen because the conversion of No 22 has resulted in the conversion of more than one out of a consecutive row of five houses. It is, however, not apparent from the road that any of these houses is no longer in single family occupation, since there have been no obvious changes other than additional doorbells and numbering. The conversion of No 22 has not had a noticeable effect on the residential character of the area nor is there any convincing evidence that it has led to a greater level of noise and disturbance for neighbours than could normally occur through the activities of a single family household.

*Whether the flats have an unacceptable effect on parking conditions in Latymer Road*

13. There are no parking restrictions in Latymer Road, except in the vicinity of road junctions, and I understand that on-street parking spaces are normally available, as they were when the site visit took place. Compared to the use of the house as a family dwelling, it is not apparent that the flats have resulted in any additional demand for parking space that cannot be satisfactorily accommodated in Latymer Road. In addition, there is good access from here on foot to public transport facilities and to a range of local amenities, which should make the flats attractive to occupiers who do not rely on the use of a car.

*Conclusions and overview*

14. For the above reasons, I have come to the following conclusions. The change of use has resulted in the loss of family accommodation if the current policy is applied, but the Council have acknowledged that two-bedroom flats also help to cater for the needs of families. The standard of accommodation in the flats is acceptable. Provision for cycle parking can be made. The flats do not harm the character of the area or the amenities of neighbours, but a clustering of flats

has occurred, which is contrary to one of the policy criteria. The flats do not have an unacceptable effect on parking conditions in Latymer Road.

15. I have considered whether the change of use should be permitted in spite of these shortcomings. The representations I have received show that, because of a demographic shift and changes in household composition, the demand for smaller units of accommodation has increased since the present local planning policies were adopted and that there is a need to adjust to this change. This is confirmed by the Council's housing market assessment and by the London Plan. On balance, I have concluded that these considerations outweigh the limited weight that should be attached to the shortcomings in this instance.
16. The appeal has therefore succeeded and planning permission has been granted for the change of use. It has not been suggested that any planning conditions should be imposed in this event, but I have decided to impose a condition requiring secure cycle parking facilities to be provided, in order to encourage alternative means of transport to the car. No other conditions are needed.

*D.A.Hainsworth*

INSPECTOR