



Appeal Decisions

Site visit made on 13 August 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal A Ref: APP/Q5300/W/19/3223823 85 Nursery Road, London N14 5QG

- 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 Ozcan Hassan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/04881/FUL, dated 19 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is conversion and sub-division of property into 3 x 2 bed and 1 x 3 bed self-contained flats involving two storey side extension and vehicular access.
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Appeal B Ref: APP/Q5300/W/19/3223819 85 Nursery Road, London N14 5QG

- 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 Ozcan Hassan against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/02245/FUL, dated 06 June 2018, was refused by notice dated 25 September 2018.
 - The development proposed is sub-division of the existing house to form 2no flats and erection of a new two-storey building on land to the side comprising 2no flats. Associated amenity space, 1no parking space, cycle and refuse storage.
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Decisions

1. Appeal A is dismissed and Appeal B is dismissed.

Application for costs

2. An application for costs was made by Mr Ozcan Hassan against the London Borough of Enfield in respect of both Appeal A and Appeal B. These applications are the subject of a separate Decision.

Procedural Matter

3. As set out above, there are two appeals on this site. They differ in the layout of the internal living accommodation and the external amenity space. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In the case of Appeal B, the name of the appellant in the appeal form is different to the name of the applicant in the application form. Although the name of the appellant is normally taken from the planning application form, in

this case the appellant's agent has confirmed that the appeal is proceeding in the name of the appellant given in the appeal form.

5. A revised parking stress survey has been submitted with Appeal B in an attempt to overcome the concerns of the Council. This was not before the Council during the time that the application the subject of Appeal B was being considered. However, it was before the Council when it considered the application the subject of Appeal A. I am therefore satisfied that no interested party would be prejudiced by my taking account of it in respect of both appeals.

Main Issues

6. The main issues in both appeals are:
 - i) The operation of the highway in the vicinity of the appeal site, with particular regard to on-street parking provision; and
 - ii) Whether the proposed development would provide adequate living conditions for future occupiers.

Reasons

Parking provision

7. The appeals relate to No 85 Nursery Road, a 2 storey semi-detached property with garden areas to the side and rear. There is no off-street parking at the property.
8. Both appeal schemes propose 4 flats, with provision for one off-street parking space to the front of the property to serve the entire development. However, the associated cross over and dropped kerb would result in the loss of one on-street parking space. Consequently, there would be no net increase in the quantity of parking available.
9. While the appeal site is in a reasonably accessible location, and planning policy does seek to minimise private car journeys, future occupiers would nevertheless be likely to own cars. In this respect, the evidence submitted with Appeal A acknowledges the need for up to 4 parking spaces to serve the development. This would be broadly in accordance with the relevant maximum standards set out in the London Plan Adopted March 2016. The proposed 1 off-street space would therefore not be adequate to meet the needs of future occupiers in respect of parking.
10. The shortfall in off-street parking provision would result in overspill parking in the surrounding streets. Evidence submitted with both appeals includes a Parking Stress Survey report (the PSSR) and Google Street View photographs. While the photographs do show on-street parking availability, there is no information about when or where the photographs were taken and they provide a snapshot in time only. They do not therefore constitute reliable evidence in respect of on-street parking capacity.
11. The PSSR indicates that at the time of the survey in May 2018, parking along Nursery Road was already at a level where residents would have difficulty parking close to their homes and where parking stress would therefore be a cause for concern. This is borne out by the concerns of the Council and third party representations, which further suggest that on-street parking pressure

has worsened since the parking survey was carried out. Certainly, at the time of my visit, on-street parking along Nursery Road was very well-used and appeared to be near capacity. Given that my visit was on a weekday at a time when the majority of residents might be expected to be away from their properties, it seems reasonably likely that on-street parking pressure would be considerably greater at other times, including mornings, evenings and weekends.

12. While I accept the survey did find greater capacity on streets elsewhere in the area, residents will by and large attempt to park in close proximity to their homes. In this case, the low level of parking provision would not be sufficient to meet the parking needs of residents and their visitors. The proposed development would result in an increase in parking pressure along Nursery Road and the adjacent streets. Consequently, both Appeal A and Appeal B would result in detrimental impacts on the amenity of residents, disruption to the free flow of traffic and potential conflict between road users.
13. Therefore, the lack of parking provision for the proposed development would cause harm to the operation of the highway in the vicinity of the appeal site, with particular regard to on-street parking provision. It therefore follows that both Appeal A and Appeal B would conflict with Policies DMD5 and DMD45 of Enfield Council Development Management Document (DMD) Adopted November 2014 and 6.13 of the London Plan Adopted March 2016. These require, among other things, that development incorporates an adequate level of parking, having regard to the need to avoid both over provision and low provision which can increase pressure on streets.

Living conditions

i) Appeal A

14. Flat B would be on the ground floor of the property. As a result of the internal layout of the flat, the window serving the smaller of the two bedrooms would be in the side elevation facing the neighbouring property 87 Nursery Road. The plans suggest that the two properties would be within a few metres of each other. By virtue of its close proximity and height, the 2 storey side elevation of No 87 would be visually obtrusive and dominant when viewed from the ground floor bedroom window. There would also be a 1.8m high timber fence in the foreground of the view from this window, located approximately 1.5m away from the habitable room window. The fence would further contribute to the poor outlook from the ground floor bedroom window.
15. The cycle store and the external gated access to the garden of Flat B would be in close proximity to the ground floor bedroom window. Occupiers of the bedroom would therefore be aware of the comings and goings of other occupiers of the flat and their visitors, including opening and closing the side gate, manoeuvring cycles in and out of the cycle store and also the general noise and visual disturbance of people walking down the side of the property to and from the garden. Future occupiers would also potentially be disturbed by activity associated with the use of the path leading to the gardens of Flats A, C and D. Although this would be screened from view by the timber fence, the path would nevertheless be in close proximity to the bedroom window. Noise and disturbance at such close range to the bedroom window would be detrimental to the living conditions of future occupiers. Consequently, the

proposal would fail to provide adequate living conditions for future occupiers of Flat B, with particular regard to outlook and disturbance.

16. The garden of No 85 would be subdivided to provide 4 separate areas of private external space to serve the 4 proposed flats. Secure bike storage would be provided within each area. The outdoor space for Flats A and B would be accessible from the ground floor living areas of those flats. However, the gardens provided for the upper floor flats, Flats C and D, would be at the rear of the appeal site and consequently there would be no direct access to these gardens from the associated flats.
17. The arrangement of fences to segregate the external space with associated pathways, gates and cycle storage would result in the appearance of a maze to the rear and side of the property. In order to access their gardens, future occupiers of Flats C and D would have to leave the appeal property via the front door and then either walk across the parking area and garden in front of the habitable room window of Flat B or walk via the footway to reach the side of the property. From there, there would be a long and narrow path enclosed by 1.8m timber fencing leading to the rear of the site. Occupiers of Flats A and C would then turn sharply behind the garden of Flat B before reaching their respective garden gates, which would have an awkward and close relationship with one another and the gate to the cycle store for Flat A.
18. I accept that the distance from the front of the property to the rear of the appeal site is not large and that it could be well-lit. Nevertheless, the path to the side of the property would be long, narrow and enclosed. Given that it would serve as external access to the gardens and cycle stores of Flats A, C and D, it seems reasonably likely that there would be potential conflict between future users of the various outdoor spaces, particularly those manoeuvring larger items including cycles, push chairs and prams, laundry baskets and other gardening and domestic paraphernalia.
19. Notwithstanding that each garden would provide an adequate area of private space, the external layout would be overly complicated, not readily accessible and awkward to access particularly for the occupiers of the upper floor flats.

ii) Appeal B

20. The Council considers that the internal floor area of flat D is not adequate for a 2 bedroom 4 person dwelling and the proposal therefore conflicts with the minimum internal space standards set out in Policy 3.5 of the London Plan. However, the submitted plan (ref DA431/2A, dated 12/01/17) indicates that flat D would be a 2 bed 3 person dwelling. On that basis, I find that the internal floor space would be adequate for the dwelling type proposed.
21. However, notwithstanding that each flat would provide an adequate area of internal living accommodation, the internal layout and arrangement of rooms would not function well, with particular regard to the upper floor flats. In both flats C and D, the door to the one person bedroom would open directly into the living room. Future occupiers of these bedrooms, which could include children who would be expected to go to bed earlier than adults, would be likely to be disturbed by activity in the immediately adjacent living room. Moreover, occupiers of these bedrooms would have to walk through the living room area to access the bathroom, an arrangement which would not necessarily be acceptable during times that the living room was in use.

22. The proposal would provide private outdoor spaces for both ground floor flats. However, future occupiers of the upper floor flats would be provided with a communal outdoor space to the rear of the site. While the external layout is slightly less complicated than that of Appeal A, the access to the external area provided for the upper floor flats is to all extents and purposes identical in both appeals. Therefore, the external space for future occupiers of flats C and D would be awkward to access and it would not function well.

iii) Findings

23. Therefore, Appeal A and Appeal B would both fail to provide adequate living conditions for future occupiers of the development, with regard to both internal living accommodation and external amenity space. Appeal A and Appeal B would conflict with Policies DMD8, DMD9, DMD37 and CP4 and CP30 of The Enfield Plan Core Strategy 2010-2025 Adopted November 2010 and Policy 3.5 of the London Plan. These require, among other things, that development should provide a well-designed and functional layout and with high quality private amenity spaces that are clearly distinguished, easy to understand and suitable for their intended function. Development is also expected to preserve amenity, including in terms of outlook.

Other Matters

24. The proposed flats would provide an adequate extent of internal floor space to meet the needs of future occupiers. The proposal would not result in harm to the living conditions of neighbouring occupiers. However, compliance with some policies in the development plan is not a benefit that would outweigh the harm that I have found.
25. With reference to Appeal A, I appreciate that the appellant has engaged with the Council in respect of the previously refused applications at this site and that the application the subject of Appeal A was submitted following pre-application discussions with the Council. Notwithstanding, I am required to consider the appeal scheme on its own merits. The appellant has also expressed concern that he was not given the opportunity through the application process to further amend the internal layout. However, from the information before me, and given the harm that I have found, it seems reasonable to conclude that amendments to the internal layout would not be sufficient to render the scheme acceptable.

Conclusions

26. For the reasons set out above, I therefore conclude that Appeal A should be dismissed and Appeal B should be dismissed.

Sarah Manchester

INSPECTOR