
Appeal Decision

Site visit made on 12 September 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/Q5300/W/19/3232008
67A Main Avenue, Enfield EN1 1DS

- 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 Tim Chase against the decision of the Council of the London Borough of Enfield.
 - The application Ref 18/03921/FUL, dated 07 October 2018, was refused by notice dated 26 March 2019.
 - The development proposed is described as, 'proposed one bedroom apartment change of use from office use'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. While I note that the description of development is different on the application form compared with the appeal form and decision notice, I have taken the description from the application form in the interests of certainty.

Main Issues

3. The main issues are:
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard to outlook, privacy, private amenity space and internal space.
 - the effect of the proposed development on highway congestion and highway safety; and
 - whether the proposed development would accord with the Council's strategy for energy efficiency.

Reasons

Living environment

4. The proposed living area of the property would have a door and window that would look out onto an outdoor private amenity space. This window and door would be located in one corner of the living area such that the majority of the area would have a restricted outlook. Furthermore, the tall boundary fence is in close proximity to the proposed front and rear gardens, such that the living area as well as the kitchen and bedroom would have an oppressive outlook

such that the proposal would have an adverse effect on the living environment of future occupiers.

5. Turning my attention to privacy, proposed garden area as well as the window and door facing the proposed garden area would be readily visible from the first-floor rear windows and dormer roof windows of No 125a Leighton Road (No 125a). Moreover, given the limited depth of the proposed garden as well as the modest distance between the rear windows of No 125a and the proposed garden area, the privacy of future occupiers would be detrimentally affected in this respect.
6. In order to provide good quality homes the Technical housing standards – nationally described space standard (NDSS) set bench mark standards for internal floor space among other things. The NDSS requires that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm and is at least 2.15m wide, whereas the width requirement for a double bedroom is at least 2.75m wide. The Council has stated that the internal dimensions of the proposed bedroom would be 6m by 2.1m and this is not disputed by the appellant. Therefore, while the overall internal size of the dwelling would meet the requirement of the NDSS, the bedroom would be not only narrower than the requirement for one bedspace, it would also fall far short of the requirement for a double bedroom.
7. Since the overall internal area of the dwelling would be more than 50sqm, it could be occupied by more than one person. From the evidence before me, a double bed with associated circulation space would be unlikely to fit comfortably inside the proposed bedroom, therefore, bedroom would be undersized such that it would not be fit for purpose and the living environment of future occupiers would be adversely affected in this particular regard.
8. Regarding private amenity space, while I note the requirement for private amenity space for dwellings without access to communal amenity space under Policy DMD9 of the Development Management Document Adopted November 2014 (DMD), this requirement refers to 2 bedspace 3 person units and is therefore not directly relevant to the proposal. The proposed dwelling would provide 9sqm of private amenity space which would exceed the requirement in Standard 26 of the Housing Supplementary Planning Guidance March 2016 (SPG) which seeks a minimum of 5sqm of private outdoor space that should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. Given the limited number of future occupiers, the proposed private amenity space would be sufficient for their requirements.
9. Consequently, the proposed development would not provide a suitable living environment for future occupiers with particular regard to outlook, privacy and internal space. Therefore, it would conflict with Policy 3.5 of The London Plan The Spatial Development Strategy for London March 2016 (LP) which requires among other things that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. It would also conflict with Policy CP4 of The Enfield Plan Core Strategy 2010-2025 (CS) which requires high quality design for all new homes and with DMD Policy DMD8 in this respect which seeks development that preserves amenity in terms of outlook and privacy and requires compliance with DMD Policy DMD9 which among other things seeks development that provides good

quality private amenity space that is not significantly overlooked by surrounding development.

10. CP Policy CP30 relates to developments in the public realm and is not directly related to the proposed development.

Parking

11. The appeal scheme does not propose any off-road parking spaces. The appeal site is accessed from Main Avenue and there is a school opposite. The highway has double yellow lines with further parking restrictions at certain times of day such that there is no on road parking provision immediately adjacent to the site.
12. While the number of future occupiers would be likely to be limited, since the public transport accessibility rating of the site is 2, there is no certainty that future occupiers would not require the use of a parking space. I acknowledge comments regarding the proposal being unlikely to result in a greater requirement for parking than the existing office use and that the proposal does not include direct access to the highway. However, vehicles parked outside the appeal site particularly during opening and closing hours of the school would reduce visibility for pedestrians including school children looking to cross the road. Moreover, given the narrow width of the road and the location of the appeal site on the corner of Main Avenue and Ayley Croft, the parking of vehicles near the appeal site would lead to a restriction in visibility and an increase in the likelihood of collisions. Therefore, the proposal would have an unacceptable impact on highway safety.
13. Given the significant parking restrictions in the vicinity near the site, and the proximity to the school, it is possible that future occupiers would look to park their vehicles on nearby roads. From the evidence before me, there is significant parking pressure on the adjacent roads such that additional vehicles parked on these roads would be likely to increase highway congestion. The highway authority has objected to the proposals and given the parking restrictions and close proximity of the school, I see no reason to disagree. Furthermore, there has not been a suitable analysis of local parking demand to demonstrate that there would not be adverse effects on highway congestion and safety given the location of the site.
14. Consequently, the proposed development would adversely affect highway congestion and highway safety. Therefore, it would conflict with LP Policy 6.13 which relates to parking and with LP Policy 6.3 which states that development should not adversely affect safety on the transport network. The proposal would also conflict with CS Policy CP24 and DMD Policy DMD45 which among other things seek to deliver improvements to the road network to improve safety and reduce road congestion and state that development involving car free housing developments must demonstrate that any increase in on-street parking would not adversely affect traffic flows, road safety or the amenity of local residents. It would also conflict with paragraph 109 of the National Planning Policy Framework (Framework) in this regard.

Energy efficiency

15. DMD Policy DMD49 states that all new development must achieve the highest sustainable design and construction standards having regard to technical

feasibility and economic viability. DMD Policy 51 states that all developments will be required to demonstrate how the proposal minimises energy-related CO₂ emissions. Neither the planning application subject of this appeal, nor the appeal were accompanied by any evidence such as an Energy Statement to demonstrate compliance with the above policies.

16. Since there has not been a demonstration that the proposed development would minimise energy-related CO₂ emissions, there is no certainty that a condition requiring the submission of an Energy Statement would be effective.
17. Consequently, the proposed development would not accord with the Council's strategy for energy efficiency. Therefore, it would not accord with DMD Policies DMD 49 or 51, or with LP Policies 5.2 and 5.7 which together require development proposals to make the fullest contribution to minimising carbon dioxide emissions.

Other Matters

18. While I acknowledge the overarching objectives of the planning system as set out in the Framework, given the harms identified above, this does not override my overall decision.

Conclusion

19. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR