
Appeal Decision

Site visit made on 3 September 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2019

Appeal Ref: APP/Q5300/W/19/3231031
20 London Road, Enfield EN2 6ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Assetrock Ltd c/o Acumen Contracting Services against the decision of the London Borough of Enfield.
 - The application Ref 18/04908/FUL, dated 21 December 2018, was refused by notice dated 3 May 2019.
 - The development proposed is the part change of use from A1 (retail) to C3 (residential) to create 2 x self-contained flats comprising 1x2-bed and 1x1-bed along with internal and external alterations.
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Decision

1. I dismiss this appeal.

Preliminary matters

2. The proposed development was originally described as the 'Alteration to retain 2 flats and ground floor retail'. I have adopted the description given by the Council instead as this corresponds more precisely to the proposed development.
3. During my visit to the property I noted that a wall has already been constructed within the retail unit to subdivide it and facilitate the creation of the proposed ground floor flat.

Main Issue

4. The main issue in the determination of this appeal is whether the proposed ground floor flat would provide acceptable living conditions for future occupants, in particular with regard to outlook, sunlight / daylight, privacy and security.

Reasons

5. The appeal site is a ground floor retail unit in the centre of Enfield with accompanying storage and ancillary space at basement and first floor levels. The property is bounded on its northern side by a walkway called Genotin Terrace linking London Road to Genotin Road. The rear of the retail unit comprises a single-storey flat-roofed extension.
6. The proposed ground-floor flat would be approximately 13 metres in length and about 5 metres in width and would sit mainly within this extension. Until recently this area formed part of the retail premises. A backdoor at the rear of

the proposed flat leads to a small external area which will be used for cycle and bin storage and outdoor sitting. This area is accessed via a gateway onto Genotin Terrace.

7. The first-floor area was used previously as a kitchen and rest area for staff working in the ground floor retail unit. The proposed first-floor flat would also be accessed by a dedicated door opening onto Genotin Terrace, about 15 metres from the gateway serving the proposed ground floor flat.
8. The ground floor flat would gain daylight and sunlight through 4 windows and an existing roof-lantern. Two of the windows – those overlooking Genotin Terrace – face north. The first of these, within the proposed kitchen area, measures about 1 metre wide by 1.5 metres high and looks onto a plain brick wall about 2 metres away. The second measures about 0.5 metres wide by 1 metre high and looks towards a barber's shop window about 3-4 metres away. The two east facing windows at the rear of the property would also look directly onto a wall about 1 metre away.
9. The appellant contends that it is not unusual for windows to overlook enclosed areas in urban environments. However, in this instance all the windows look directly onto either a wall or a shop at close quarters. This fails to satisfy the living conditions that future occupants could reasonably expect.
10. The daylight and sunlight assessment provided by the appellant concludes that the average daylight factor (ADF) for the lounge and bedroom would exceed the minimum required standard. However, it acknowledges that the ADF for the kitchen would not meet this standard. In mitigation it argues that the London Borough of Enfield does not consider a kitchen measuring less than 13 square metres to constitute a habitable room and thus can be discounted from the analysis. I would contend, however, that within a small, open plan flat the occupant would be likely to spend a considerable amount of time in the kitchen area, and thus the lack of natural light would significantly detract from the living conditions that can be expected.
11. Pedestrians walking along Genotin Terrace would be able to view through the two side windows into the proposed flat. This would result in a significant loss of privacy. Attempts to mitigate this through net curtains would reduce the level of natural light available. Moreover, I concur with the Council that this loss of privacy could also constitute an associated security risk. Similarly, occupants in the upper floor flat lounge would be able to see into the ground floor flat through the roof-lantern below. Given the relatively small space available future occupants would find it difficult to secure adequate privacy.
12. With the above points in mind I conclude that the proposed ground floor flat would not provide satisfactory outlook, sufficient daylight in the kitchen area or sufficient privacy and security for future occupants. Consequently, the proposal would fail to provide satisfactory living conditions and would be contrary to the Department of Communities and Local Government's Technical Housing Standards (2015), Policy 3.5 ('Quality and Design of Housing Developments') of the London Plan 2016, Policy CP4 of the Enfield Core Strategy (2010), and Policy DMD8 ('General Standards for New Residential Development') and Appendix 4: 'Housing (Daylight and sunlight)' of the Enfield Development Management Document (2014).

13. Finally, as regards living conditions, I note the Council's concerns regarding the amount of private open space available for future occupants of the ground floor flat. However, I estimate that the scheme provides around 5 square metres of private open space, and thus meets the standard (Standard 26) laid down by the Mayor of London in Housing: Supplementary Planning Guidance (2016).

Other Matters

14. I accept the appellant's argument that the scheme would help meet much needed housing demand in the area in a location that is well connected to sustainable forms of transport. Nevertheless, for the reasons detailed above this does not override my central finding concerning living conditions.

Conclusions

15. Having had regard to the documents before me I dismiss this appeal.

William Walton

INSPECTOR