
Appeal Decision

Site visit made on 15 October 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/Q5300/W/19/3234686
122 Lavender Hill, Enfield, London EN2 0QU

- 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 Deepak Patel against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/00269/FUL, dated 25 October 2018, was refused by notice dated 4 June 2019.
 - The development proposed is first floor extension to provide 1 no 1 person self-contained studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The plans which were submitted with the application lack detail such as the internal layout of the studio flat; means of access; and the provision of cycle and bin storage¹. The Framework states that the decision taker should consider whether planning conditions can be used to make otherwise unacceptable development acceptable, and I have proceeded on that basis.

Main Issues

3. The parties do not dispute the principle of residential use or that the proposal would not cause harm to the character or appearance of the area. There is clear policy support in the Framework for the use of under-utilised land and buildings, and more specifically taking opportunities to use the airspace above existing premises to provide new homes².
4. In view of the above the main issues are:
 - whether the proposed residential unit would provide acceptable living conditions for future occupiers; and
 - whether the proposal provides acceptable arrangements for refuse storage and collection and cycle storage.

¹ The appeal is accompanied by some detailed plans for another property, Theobald Street, Boreham Wood, and elevations, a section and plan view for the appeal property.

² National Planning Policy Framework February 2019 paragraphs 117 and 118

Reasons

5. The appeal property is located close to the Gordon Hill railway station car park, and currently comprises a shop at ground floor with a flat above. To the rear there is a flat roof which can be accessed via a door to the rear of the existing flat. The proposal is to form a studio flat adjoining the existing flat, with an area of roof retained at the rear. Windows would be formed within the side wall on the opposite side of the building to the car park.

The living conditions of future occupiers

6. The Framework is clear that planning decisions must foremost be based on the development plan, unless material considerations suggest otherwise. The Enfield Core Strategy 2010 – 2025 (the ECS) and The Improving Enfield Development Management Document 2014 (the EDMD) require that new residential development should achieve high standards in terms of the quality of internal and external spaces for future occupiers. This includes compliance with the space standards in the London Plan 2016.
7. The plans submitted with the application confirm that the proposed studio flat would have an internal floor area of 37m², and a floor to ceiling height of 2.6m, but little more. The proposal may be capable of meeting the appropriate space standard for 1 person flat, providing that a shower room is provided rather than a bathroom, and the minimum floor to ceiling height would be exceeded for all of its internal area. An internal layout has not been provided, nor has the appellant confirmed that the proposal would incorporate a shower room, however he refers to the space standard of 37m² and therefore I consider it reasonable to assume this is what is intended.
8. However, achieving an acceptable living environment for the future occupier involves more than meeting the London Plan space standards. On my site visit I gained access to the roof area where the flat would be created via a tight stairway leading from the side passage between the appeal property and the adjacent shop. This stair was within the existing flat and would not provide an acceptable access to the proposal. The proposal does not show what alternative means of accessing the proposal is intended.
9. The appellant states that the amenity space that would be provided would be the retained area of flat roof to the rear, with a door from the proposed studio flat. On my site visit it appeared that the occupiers of the existing first floor accommodation make some use of the existing flat roof. Under the proposal, it would appear that they would be separated from the remaining flat roof area by the proposed studio flat. That would not be acceptable, nor are any details provided as to how the safety of the occupier of the proposed studio flat would be safeguarded, for example the provision of a railing around the retained area of roof, in addition to the existing low parapet wall.
10. Whilst the appellant's wish to make the best use of the space available at first floor to provide living accommodation is appreciated, the proposal would not satisfy the expectations of the Framework to ensure that new development should create better places to live and high quality buildings.
11. I therefore conclude on this first main issue that the proposal would conflict with London Plan Policy 3.5, ECS Policy CP4 and EDMD Policies DMD8 and

DMD9, which require that development should be of a high standard and provide good quality external amenity space.

Refuse Storage and collection and cycle storage.

12. The plans accompanying the proposal do not show what provision would be made for refuse storage and collection and cycle storage. With regard to refuse, I note that at the present time bins are kept in the side passage, where it is reasonable to assume that some provision could be made to also serve the proposed studio flat. The Council has produced Waste and Recycling Storage Planning Guidance³ which sets out specific requirements to be followed. This matter could be regulated via a planning condition, and in this respect could comply with EDMD Policy DMD8 which requires that development should make provision for refuse storage in such a way that does not affect the street environment.
13. On cycle storage, the appellant does not consider that such provision is required due to the high level of accessibility to public transport. However, the Framework is explicit that opportunities to promote cycling, in addition to walking and public transport, should be pursued in proposals. The London Plan sets down minimum standards for cycle parking, which for a studio flat would require 1 space to be provided. Policy DMD47 of the EDMD requires that proposals should be designed to meet the needs of cyclists and DMD8 requires that standards set in the London Plan should be met. Therefore, regardless of whether securing such provision could be dealt with via condition, the proposal is at odds with the Framework, London Plan and the EDMD in this matter.
14. The Council refers in its reason for refusal to ECS Policy 25, which states that the Council will provide safe, convenient, and accessible routes for pedestrians and cyclists. I do not see the policy as relevant to the issue of the provision of cycle storage in new development. London Plan 6.10 is also referenced, which relates to the promotion of walking, which I also consider to be of little relevance to the proposal.
15. I therefore conclude on this second main issue that whilst the matter of refuse storage and collection could be addressed via planning condition, the lack of proposals for cycle storage would conflict with Policy 3.5 of the London Plan, which requires housing development to be high quality, and Policy 6.9 of the London Plan, Policies DMD8 and DMD47 of the EDMD and the Framework which seek to promote cycling.

Other Matters

1. A neighbour has raised an objection due to possible overlooking from the windows proposed in the proposed studio flat, which would look towards the rear gardens of properties in Gordon Hill. At the time of my site visit the view was heavily obscured by trees that were in leaf. During the winter months when the trees are not in leaf there may be a view into the nearest rear garden. Given that I am dismissing the appeal for other reasons I do not take a view on this matter.

³ ENV08/162 Waste and Recycling Planning Guidance

2. The appellant has referred me to a number of other developments, the approval of which he considers lends weight to his case that the appeal should be allowed. Two of the cases are for development of studio flats, approved by the Council, and in the other case the approval of a 1 bedroom house following an appeal⁴. It is reasonable for the appellant to draw attention to these other cases however in the absence of all the details on each case, and without understanding the particular circumstances, it is not possible for me to make comparisons with the proposal in this appeal. I therefore attach very limited weight to these cases in my decision.

Conclusion

3. For the reasons given, the appeal is dismissed.

Tim Wheeler

INSPECTOR

⁴ APP/Q5300/W/15/3050015