



Appeal Decision

Site visit made on 07 June 2019

by N Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 January 2020

Appeal Ref: APP/Q5300/W/19/3224991
805 Green Lanes, Southgate, N21 2SG

- 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 E Demetriou against the decision of London Borough of Enfield.
 - The application Ref 18/02710/FUL, dated 29 June 2018, was refused by notice dated 18 September 2018.
 - The development proposed is single and two storey rear extensions with loft conversion including roof ridge increase to create 2 additional self contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) Whether the quality of accommodation provided would be acceptable, with regard to internal floor space and amenity space;
 - b) Whether the effect of the proposal on the living conditions of neighbours of the site would be acceptable, with regard to light and outlook;
 - c) Whether the mix of housing proposed would be acceptable;
 - d) Whether the effect of the proposal on the character and appearance of the area would be acceptable; and
 - e) Whether the effects of the proposal on the safe and free flow of vehicular and pedestrian movement would be acceptable.

Reasons

Quality of accommodation

3. The appeal site comprises a semi-detached property currently used as two 2-bedroom flats. The proposal is to extend the building to accommodate two additional flats so that there would be two 1-bedroom, one 2-bedroom and one 3-bedroom flats at the site.
4. Three of the four flats would provide internal space below those set out at Policy 3.5 of the London Plan 2016 (LP). Whilst shortfalls would not be very substantial, they would be meaningful, and I am mindful of the fact that these

standards are clearly expressed as minima. It would not be appropriate to apply the policy standards for a lower level of occupancy for each flat than that shown to be intended by the provided floorplans. That the layouts of the flats might otherwise be acceptable does not overcome my concerns as to the total amount of floorspace provided by three of the four flats proposed.

5. Each of the flats would have access to an area of communal amenity space at the rear of the site. Policy DMD9 of the Development Management Document 2014 (DMD) clearly states that even where that is the case, provision for a small area of private amenity space should also be provided. None of the flats would have access to private amenity space.
6. I recognise that in urban areas, such provision can be more difficult to achieve and that there is an area of public open space within walking distance of the site, but particularly in the case of the family sized unit on the first floor, I do not consider that those factors are sufficiently compensatory.
7. For these reasons, I do not find that the quality of accommodation provided by the development would be satisfactory. The proposal would be in conflict with policies CP4 of the Enfield Plan Core Strategy 2010-2025 (EPCS), DMD5, 8 and 9 and DMD an Policy 3.5 of the LP in so far as they seek to achieve acceptable standards of accommodation, including through the provision of amenity space.

Living conditions of neighbours

8. Policy DMD11 of the DMD states that first floor rear extensions must not exceed a line taken at 30-degrees from the mid-point of the nearest first floor window to any of the adjacent properties. The submitted drawings show that the extension would not intercept a 45-degree line, rather than one at 30-degrees.
9. The Council says that were a 30-degree test carried out, the extension would fail, and the Appellant does not dispute this. It appears to me based on the submitted drawings, that this would likely be the case. Based on the evidence before me, I am satisfied that were the appropriate test undertaken, the proposal would likely fail it, in conflict with Policy DMD11 of the DMD and the consequence would be harm to living conditions at both neighbouring properties by way of a loss of outlook from and potentially light to rear facing habitable room windows.
10. I accept that the relevant windows at the neighbouring properties are fairly large and that they may be secondary in purpose, but that does not override my concerns in this regard and I find the proposal to be in conflict with policies DMD8 and DMD11 of the DMD in so far as they seek to protect living conditions at neighbouring properties.

Housing Mix

11. Policy CP5 of the EPCS seeks to ensure that new developments provide a range of housing sizes to meet need. The proposal would provide a range of 1, 2 and 3 bedroom homes. The Policy describes in what proportions various unit sizes should be provided but this is across the Borough and over the plan period. I do not think it is necessarily practical to rigidly apply that unit distribution to very small sites, such as this, particularly where the increase in flats at the site would be only two. Policy CP5 is reinforced by policies DMD3 and DMD6 of the

DMD, which both seek to secure an appropriate mix of housing in new development.

12. The proposal would see an increase in the range of units at the site and would also provide for a family sized unit (with 3 bedrooms), where the existing situation does not.
13. The Council also references Policy DMD5 of the DPD and its requirement to provide compensatory family sized accommodation in the case of flat conversions. However, this requirement only appears to apply to the conversion of family houses to flats, which is not the case here. And in any event, the proposal does include a family sized unit with 3 bedrooms. I turn to the quality of the proposed accommodation elsewhere in this decision letter.
14. Overall, I am satisfied that the mix of unit sizes at the site would broadly comply with the aspirations of Policy CP5 of the EPCS and policies DMD3, DMD5 and DMD6 of the DMD and would be acceptable.

Character and appearance

15. The proposal would include a rear roof extension that would take up much of the rear roof slope. Policy DMD13 describes how such extensions should be set in from the eaves, ridge and edges of the roof. It does not appear as though the proposed extension would comply with those requirements and so there would be a conflict with that Policy.
16. It was clear to me on my visit however, that a similarly sized roof extension has been carried out at the adjoining property. It appears to me as though in the context of that extension, the proposal would not cause any serious harm to the character and appearance of the property and as it would be located to the rear of the property, there would be no harm caused to the street scene. I consider these factors to outweigh the conflict with Policy DMD13 in this case.
17. The Council's reason for refusal also summarises the perceived visual harm that would be caused by the combination of the proposed roof and rear extensions. The Council Officer's report does not elaborate on those concerns, however.
18. Based on the evidence before me and from my visit, I am satisfied that the scale, design and siting of the rear extensions, when taken together with the roof extension would be proportionate and acceptable in the context of their location at the rear of the building. In this sense, the design of the development would be consistent with Policy CP30 of the EPCS, policies DMD11, 13 and 37 of the DMD and policies 7.4 and 7.6 of the LP in so far as they seek to secure an appropriate standard of design.

Movements, traffic and parking

19. I saw on my visit that the front garden area of the site had been paved and was used for parking. An area of dropped curb at one edge of the site provides access for cars, but given its location, it would not appear possible to use it if multiple cars were parked on-site.
20. The Council is concerned that not enough car parking could be safely provided at the site, but there is no evidence before me to indicate what level of parking the Council considers would be appropriate. Reference is made to Policy 6.13 of

the LP (and to Policy DMD45, which cross-references it) but the London Plan standards are maxima.

21. Based on the evidence before me, and in the context of the size of the units, the Public Transport Accessibility Level of the site, parking controls in the area and the apparent availability of a degree of on-site car parking, I am satisfied that the traffic impacts of the development would be acceptable and in accordance with Policy DMD45 of the DMD and Policy 6.13 of the LP.
22. The Council is also concerned that the submitted plans do not clearly show how pedestrian access to the flats from the street would be achieved. I agree that the plans are not particularly clear in respect of the area between the pavement and the property. It appeared to me on my visit, however, that safe access could be achieved for future occupiers and indeed, given that the property is currently being used as flats, that it is most likely is currently operating satisfactorily. The paving on the front garden area is demarked with a pathway to the main front door. Detailed arrangements could have been secured by way of a planning condition had my overall conclusions been different.

Other Matters

23. The Council makes reference to a perceived 'overdevelopment' of the site as a result of the proposal. The Main Issues that I have identified can, individually or cumulatively, be indicators of an overdevelopment and I have set out my reasoning for my findings on those issues elsewhere in this decision.

Conclusions

24. Whilst I have found with the Appellant on matters of the mix of units at the site, the design of the development and on access and transport matters, I have found with the Council on matters of the quality of accommodation and the impacts of the proposal on neighbours.
25. Accordingly, the appeal is dismissed.

N Smith

INSPECTOR