

Appeal Decision

Site visit made on 17 December 2019

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2020

Appeal Ref: APP/Q5300/W/19/3237582

1A Cambridge Gardens, Southgate, London N21 2AS

- 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 Leo Kyriakou of LNK Construction Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02010/FUL, dated 2 June 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the conversion of single family dwelling house into 3 x self-contained flats (comprising 2 x 1-bed, 1 x 3-bed), with private amenity space, parking and refuse storage.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given on the application form was "Conversion of existing 5 bedroom house into four flats including 2No. one bedroom two person flats and 1No. three bedroom five person flat with parking, private amenities, cycle and bin store". This was incorrect and inconsistent with the submission documents, all of which show and refer to three flats. Accordingly, in the banner heading above, I have adopted the description of development used by the Council in their decision notice and by the appellants in Part E of the appeal form, despite their stating that the description of development has not changed from that on the application form.

Main Issues

3. The main issues are (i) whether or not the proposal would provide suitable living conditions for future occupiers with specific regard to the internal floor area of Flat 2, and the quality and accessibility of the external amenity space for Flats 2 and 3, (ii) whether or not the proposal makes sufficient provision for the off-street parking and manoeuvring of cars, and (iii) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The appeal site is a reasonably large, detached dwelling on a corner plot, with existing hardstanding and grassed areas to the front, private outdoor space to the rear, and a fenced-off bin and cycle compound. The surrounding properties appear somewhat older, with a mixture of on- and off-street parking and seem to be generally in single-family use.
5. The division of the property into three self-contained flats would require relatively minor alterations to the external appearance of the property itself. It would require more extensive works to the external space to provide the parking, private outdoor space, communal outdoor space, bin and cycle storage required by the development plan and shown on the proposed plans.
6. Internal and external space standards are prescribed in the London Plan 2016, which reflects the Nationally Described Space Standards, and compliance with them is required by policies of The Enfield Plan Core Strategy 2010-2015, adopted November 2010 (the Core Strategy), Enfield's Development Management Document adopted November 2014 (the DMD). The Mayor of London Housing Supplementary Planning Guidance, March 2016 (the SPG) gives further commentary on the quality of space required, the need for robust justification to depart from the standards as well as a reminder that the standards set out the minimum level of quality and design that new homes should meet. Against these standards, the internal areas of Flats 1 and 2 are acceptable.
7. Numerically, the areas of private outdoor space proposed for all three flats meet the requirements in the DMD, considering the proposed provision of an area of communal outdoor space. However, I am concerned over the practicality of that communal space, given its proposed location to the front of the site and open nature, against the specific requirements in Policy DMD9 of the DMD for communal space to be functional and inaccessible to the public.
8. The internal area of Flat 2 however is substandard, albeit by a relatively small amount. The appellant suggests that this shortfall in internal area is compensated for by the quality and amount of outdoor space provided. The SPG states that failure to meet one standard would not necessarily lead to an issue of compliance with the plan, but that a combination of failures would cause concern.
9. Owing to the relationship of the building to the boundary, the outdoor space proposed for Flat 2 has an awkward shape, which would in my opinion diminish its quality and usability. In addition, I am concerned that the proposed plans do not accurately depict the relationship of the boundary fence to the back corner of the building. On site, the fence and the wall are touching, whereas the drawings show a gap, which links the areas of outdoor space proposed for Flat 2. In any event, even if this gap were to be made available through any realignment of boundary fencing, much of the outdoor space proposed for Flat 2 would be very close to high fencing.

10. Given the proposed layout of the outdoor space proposed for Flat 2, much of the space proposed would, in my opinion feel tightly constrained between the walls of the building and the fencing. It would not therefore meet the requirements for good quality amenity space of practical shape and utility. As a result, I do not consider that the proposed private outdoor space would adequately compensate for the failure of Flat 2 to meet the internal space requirements. Nor do I consider that the level of outdoor space proposed is a clear and robust justification for failing to meet or exceed the minimum space standards in the London Plan.
11. I am also concerned about the quality of the private outdoor space provided for Flat 3. It would be surrounded by relatively tall fencing and accessed by crossing the parking area. My concerns over the suitability and quality of this private outdoor space are compounded by the proposed size and occupancy of Flat 3, which is intended as the compensatory provision for family accommodation within the development. In addition, the inverse relationship between the amount of private outdoor space and the size of the flats which each piece serves is unfortunate, but I acknowledge that it is numerically sufficient.
12. I accept that there is a balance to be struck between privacy, which may require tall fences, and quality, which would not. However, there is an overarching requirement in the development plan policies to ensure that private outdoor space is usable and of good quality.
13. I consider therefore that the private outdoor space provided for Flats 2 and 3, whilst numerically sufficient, would not meet the requirements of the development plan policies in respect of quality.
14. The proposal would therefore conflict with Policy 3.5 of the London Plan 2016, Policy CP4 of the Core Strategy, Policies DMD5, DMD6, DMD8 and DMD37 of the DMD, the SPG and the Nationally Described Space Standards. As set out above, these policies, standards and guidance seek amongst other things to ensure that residential development proposals deliver sufficient, high quality internal and external space.
15. The proposal would also conflict with the National Planning Policy Framework (the Framework) in its aims to achieve well-designed places with a high standard of amenity for existing and future users.

Parking and manoeuvring

16. Although some properties on Cambridge Gardens do have off-street parking, it appears that the on-street parking is well used. The appeal proposal shows a single parking space provided for each unit, but I am concerned that the spaces proposed for Flats 2 and 3 in particular would be constrained in their usability by the existing front boundary wall and the fencing required to create the private outdoor spaces.
17. Both parties acknowledge that the proposed parking spaces are smaller than the standards require. The appellant has suggested that they could be increased, perhaps by condition. However, such an increase would have to be balanced against the consequences. Whilst space 1 could be enlarged with relative ease, spaces 2 and 3 are considerably more constrained by

fences, paths and their enlargement would lead to other effects on the private outdoor space.

18. Given the requirement for quality, usable, private outdoor amenity space, I therefore give limited weight to this suggestion, owing to the likely subsequent effects and the need to ensure that other requirements are met.
19. Owing therefore to the limited size and utility of the proposed parking spaces, and likely subsequent effects on their use and the availability of the manoeuvring space, I consider that the proposal does not make sufficient provision for the off-street parking and manoeuvring of cars and would therefore be likely to result in an unacceptable increase of on-street parking to the detriment of highway safety.
20. In their decision notice, the Council referred to Policy 6.9 of the London Plan and Policy CP25 of the Core Strategy in the reason for refusal relating to parking. However, as the proposal meets the development plan requirements for the amount and accessibility of cycle parking, the proposal complies with these policies.
21. The appellant has suggested that the proposal cannot be refused on highway safety grounds in light of paragraph 109 of the Framework. Whilst I acknowledge the contents of the Framework in this regard, it does not alter the primacy of the development plan, which requires the provision of suitable parking and manoeuvring spaces. In any event, the Council has identified likely unacceptable impacts on highway safety as a result of this development plan conflict and the appellant has provided no evidence to the contrary. As I have set out above, I do not consider that the proposal makes sufficient provision for the off-street parking and manoeuvring of cars and does not meet the requirements of the development plan.
22. The proposal would however conflict with Policy 6.13 of the London Plan 2016, Policy CP24 of the Core Strategy and Policies DMD6, DMD8 and DMD45 of the DMD. These policies set standards for the provision of car parking and seek to balance those requirements against non-car means of transport, residential character, development layouts and the maintenance of highway safety.

Character and appearance

23. At present, the front of the site has a largely open, typically domestic appearance, with a grassed area either side of the access path, and an area of hardstanding for off-street parking. The proposal would see the re-ordering of the front of the site with a reduction in the grassed area to the front of the building, the enclosure of private outdoor space for Flats 2 and 3 and the enlargement of the bin and cycle storage compound.
24. I accept the calculations of the appellant that the proposal would result in a net decrease in the amount of hardstanding on the site. The proposal would however result in a loss of the amount of green space to the front of the site. and would make the green space that remains appear somewhat piecemeal. The overall effect would be of a loss of green space, as part of the existing open space would be fenced off to provide the private outdoor space for Flat 3. In my opinion, the visual effect would be of both an increased amount of

hardstanding and a reduction in the apparent depth and size of the currently open space around the building, through the fencing required to provide the private outdoor space for Flats 2 and 3 and the enlarged bin and cycle storage compound.

25. I consider that the overall effect would therefore be harmful to the character and appearance of the area, as it would give the impression of both an increased amount of hardstanding and the piecemeal division of the currently open area to the front and side of the property.
26. This would be contrary to Policies 7.1 and 7.4 of the London Plan 2016, Policy CP30 of the Core Strategy, and Policies DMD6, DMD7, DMD8 and DMD37 of the DMD. These policies seek, amongst other things, to ensure that development delivers a good quality environment which has regard to the form, function and character of its context, has regard to the impact of parking on front gardens, and ensures that residential development is appropriate to the area, protects the positive contribution made by gardens to an area and its character, and avoids over-dominant hardstanding.

Other Matters

27. The appellant has suggested that the approach of the Council to this application is inconsistent with their decision on an earlier application, details of which they provided, as the appeal proposal sought to address that previous refusal. Whilst I acknowledge the changes made by the appellant, I must still assess the proposal against the requirements of the development plan, and as set out above, have found significant conflict.
28. I note the positive aspects of the proposal highlighted by the appellant, notably the provision of two additional residential units, which would contribute towards City and Borough-wide housing targets, as well as the elements of the proposal that do comply with the requirements of the development plan. However, these are outweighed by the harm I have identified above, and I find no material considerations which are of sufficient weight to indicate a decision should be taken other than in accordance with the development plan.

Conclusion

29. For the reasons given above I conclude that the appeal should be dismissed.

S Dean

INSPECTOR