The Planning Inspectorate

Appeal Decision

Site visit made on 15 January 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/Q5300/W/19/3239670
35 Tillotson Road, Edmonton N9 9AQ

- 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 Zia Kamaly against the decision of the Council of the London Borough of Enfield.
- The application Ref 19/02149/FUL, dated 9 June 2019, was refused by notice dated 7 August 2019.
- The development proposed is a singe storey rear extension and conversion from one dwelling house into 1no. four bed flat and 1 no. one bedroom flat.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant refers to an amended plan[1], moving the ground floor bedroom to the front of the property so that it benefits from an external window in response to a reason for refusal as detailed by the Council. However, the Procedural Guide: Planning Appeals – England[2] clearly advises that the appeal process should not be used to evolve a scheme and "if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application".

3. The amended plan appears to relate to only one of the Council's three reasons for refusal but it has not been subject to public consultation through the application process. In the interests of fairness and natural justice, having regard to the Wheatcroft[3] principles, I consider that the Council and any interested parties would be prejudiced if I considered the amended plan. Thus, my findings relate to the scheme as it was determined by the Council.

Main Issues

4. The main issues are:

    a. whether the proposal would comply with the Development Plan which seeks to ensure that the conversion of existing residential units achieve minimum standards, do not harm the character of the area through the

[1] Page 17/18 Statement of Case
[2] Procedural Guide: Planning Appeals – England (2019): Annexe M – Can a proposed scheme be amended?
[3] Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

creation of clusters of conversions and provides suitable replacement family sized accommodation.

b. the effect of the proposed development on the living conditions of future occupiers, with particular regards to the size and layout of the ground floor flat and the size and access to outside space of the upper floor flat.

Reasons

Compliance with the Development Plan

5. Policy DMD5 of the Enfield Development Management Document (2014) (DMD) sets out the criteria for the conversion of existing residential units to flats as per the appeal proposal.

6. Criterion A refers to the internal floor space standards set out in the London Plan. It is not at dispute between the parties that the proposed development would achieve the minimum internal floor space requirements and on the basis of the evidence before me I do not disagree.

7. Turning to criterion B, the Council Officer's report details that the neighbouring property 33 Tillotson Road has been converted into two flats, a reference number is detailed for the application. Furthermore, I saw at the site visit that the property has two door bells and other features indicating that the permission has been implemented, and the property has been converted to flats. I also observed a number of other properties, relevant to criterion B, appeared to have been converted to flats. The appellant asserts that only 9 and 13 Tillotson Road have been converted to flats.

8. However, based on the evidence before me and my observations on site I find that the appeal proposal would harm the residential character of the area as a result of creating an excessive number and cluster of conversions as defined by Policy DMD5 of the DMD because it would result in more than one converted unit in a consecutive row of five units.

9. Part 2 of Policy DMD5 requires the "compensatory provision for family accommodation (3 bedrooms +) is provided within the development." Accompanying paragraph 2.3.8 expands on this detailing a requirement for "direct, ground floor access to dedicated amenity space". The appeal scheme would provide a four-bedroom flat. However, the submitted plans show that no access for the flat to the outdoor space would be provided. Therefore, the appeal proposal would fail to provide suitable compensatory family accommodation and is therefore contrary to part 2 of Policy DMD5.

10. To conclude on this main issue, for the reasons detailed above I find that the appeal proposal would harm the character of the area by creating a cluster of conversions and would fail to provide suitable replacement family sized accommodation contrary to Policy DMD5 of the DMD and policies CP2, CP4 and CP5 of the Enfield Plan Core Strategy and Policies 3.3 and 7.4 of the London Plan that amongst other matters seek to maintain the character of the area and provide high quality homes.

Living Conditions

11. The bedroom in the proposed ground floor flat is show on the submitted plans as being located off an internal hallway and to the rear of the lounge. As a

consequence of the internal layout of the proposed flat the bedroom would not benefit from an external window. I note that the submitted plans show an internal window in the rear wall of the lounge and a rooflight, but I do not find that this would provide an adequate level of natural daylight to the future occupiers of the proposed dwelling.

12. Turning to the upper floor flat, described as being family sized, the submitted plans show the flat as having no access to external space. Policy DMD8 of the DMD criterion g requires new residential development to provide high quality living space for future residents. In the absence of any access to outside space, the proposed development would not provide suitable accommodation for future occupiers of the proposed first floor flat.

13. Therefore, I find that the proposed development would fail to provide satisfactory living conditions for future occupiers of the proposed development contrary to Policies DMD5 and DMD8 of the DMD and CP2, CP4 and CP5 of the Enfield Plan Core Strategy and policy 3.5 of the London Plan that amongst other matters require specific and general standards for new residential accommodation be met.

Conclusion

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

Mark Brooker

INSPECTOR