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## 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**

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### **Appeal Ref: APP/Q5300/W/19/3239388 50 Orchard Road, Enfield EN3 4PJ**

- 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 Kastriot Pashku against the decision of the Council of the London Borough of Enfield.
  - The application Ref 18/02487/FUL, dated 21 June 2018, was refused by notice dated 19 July 2019.
  - The development proposed is the conversion of single family (3-bed) dwelling into 2 self-contained flats (1 x 1-bed, 1 x 2-bed), involving rooflights to front roof slope, segregation of the garden and erection of a rear staircase of the rear elevation.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. Part E of the appeal form states that the description of development has not changed, even though an alternative description has been entered. This matches the description of development on the decision notice. I have used this description of development because the appellant is in agreement with the text used by the Council on the decision notice and because it more accurately and concisely describes the development proposed.

### **Main Issues**

3. 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 provides suitable replacement family sized accommodation
  - b. the effect of the proposed development on the character and appearance of the area
  - c. the living conditions of the future occupiers of the proposed development with particular regards to privacy, outlook and daylight and sunlight and of the occupiers of 52 and 48 Orchard Road with particular regards to privacy.

## Reasons

### The Development Plan

4. The appeal site consists of a two storey mid-terrace dwelling, the property has previously been extended with a rear dormer and single storey rear extension. The appeal proposal would result in the conversion of the building to form a single one bed flat and a single two bed flat. The rear garden would be divided between the ground and first floor flats, with a new external stair case providing access to the garden area from the first floor flat.
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. The submitted plans are annotated to show only two existing bedrooms. However, the Council identify the first-floor room, labelled on the plans as a study, as a bedroom and therefore the appeal property as having three bedrooms and thereby being of family sized accommodation for the purposes of Policy DMD5. The plans show that the room is smaller than others in the property but nonetheless I find it is large enough to reasonably be considered to be a small bedroom. Therefore, on the basis of the evidence before me I conclude that, for the purposes of Policy DMD5, the appeal property is a family sized home.
7. Part 2 of Policy DMD5 requires the “compensatory provision for family accommodation (3 bedrooms +) is provided within the development.” The appeal scheme would not provide a flat larger than 2 bedrooms.
8. Therefore, the appeal proposal would fail to provide suitable compensatory family accommodation and is therefore contrary to part 2 of Policy DMD5.

### Character and appearance of the area

9. The proposed rear staircase, required in order to facilitate access from the upper flat to the dedicated garden area, is shown on the submitted plans as projecting some considerable distance away from the rear elevation of the appeal property and from the proposed rear extension.
10. The appellant states that the external stair case will be of an open design and being located to the rear of the property will not harm the character and appearance of the area.
11. However, at my site visit I noted that the rear of the property is visible from a number of view points including the garden and properties of neighbouring dwellings. As such, the staircase would appear as a prominent and discordant feature within the area harming the character and appearance of both the appeal property and the wider area.
12. As such, the proposed development is contrary to Policies DMD6, DMD11 and DMD37 of the DMD, Policy 30 of the Enfield Plan Core Strategy (CS) and Policies 7.1 and 7.4 of the London Plan that amongst other matters seek to ensure that new development is in keeping with the character and appearance of the local area.

### Living conditions

13. The submitted plans show that the roof light would be the sole source of outlook and natural daylight and sunlight for the ground floor bedroom. Furthermore, I note that the window serving the combined kitchen and dining space of the ground floor flat would directly overlook the amenity area dedicated to the upper floor flat.
14. The appellant states that this arrangement is “commensurate with the existing layout” and that the arrangement would meet current “Building Regulations and Environmental Health requirements”. However, I have no substantive evidence before me to demonstrate that the proposed development would achieve satisfactory levels of natural day and sunlight in the ground floor bedroom and the limited outlook that would be afforded by a rooflight alone would be poor and inadequate.
15. Turning to the kitchen window, the plans show that this would look directly into the garden area of the upper floor flat. While the appellant acknowledges that there will be a degree of mutual overlooking it is suggested that this enhances security. However, future occupiers of the upper floor flat would have a reasonable expectation to a degree of privacy in the private external space that would not be afforded by the proposed development.
16. The proposed stair case, being of an open design and the sole access for the future occupiers of the upper flat to the private external space, would allow significant overlooking of all of the rear external space of the neighbouring properties, 52 and 48 Orchard Road, and views into the rear windows of those properties resulting in a significant loss of privacy for the occupiers of those properties.
17. Therefore, on the basis of the evidence before me and for the reasons detailed above, I find that the appeal proposal would not provide satisfactory living conditions for future occupiers of the proposed flats and would result in a loss of privacy for the occupiers of neighbouring properties. This would be contrary to Policies DMD8, DMD11 and DMD37 of the DMD, Policy CP30 of the CS that amongst other matters seek to ensure a high quality of living accommodation for future residents of new development and to protect neighbours from harm resulting from new development.

### **Other Matters**

18. The proposed development would result in the creation of a single net additional dwelling and would thus make a small contribution to the overall housing need of the area. This is material consideration that weighs in favour of the proposal but does not outweigh the harm I have identified previously.

### **Conclusion**

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

*Mark Brooker*

INSPECTOR