The Planning Inspectorate

Appeal Decision

Site visit made on 11 August 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2020

Appeal Ref: APP/Q5300/W/20/3253261
659 Hertford Road, Enfield EN3 6ND

- 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 Omar Qureshi against the decision of the Council of the London Borough of Enfield.
- The application Ref 20/00508/FUL, dated 12 February 2020, was refused by notice dated 23 April 2020.
- The development is described as 'continue use of self contained flats (retrospective) with the addition of a staircase to the rear to provide access to the garden and the inclusion of bins and cycle storage area to the front of the property.'

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal has been submitted as part retrospective, as the property has already been converted into 2 self-contained flats. Therefore, I have determined the appeal on this basis.

Main Issues

3. The main issues in this appeal are:

   - the effect of the proposed development on the character and appearance of the site and surrounding area, with particular regard to the level of conversions in the area; and

   - highway safety.

Reasons

Character and appearance

4. The appeal site is a two-storey mid-terraced dwelling on Hertford Road, and it is located within a row of 7 residential properties. The property was originally a four-bedroom house that has been converted to provide 2 (1 x 1 bed and 1 x 3 bed) self-contained flats. The surrounding area is predominately residential and is characterised by similar terraced dwellings.

5. The proposal is for a part retrospective planning permission for the conversion of the existing dwelling house to 2 self-contained flats. It also includes the addition of a staircase to the rear, so that both flats would have access to the

garden area, together with vehicular access and hardstanding at the front of the property.

6. Policy DMD 5 of the Enfield Development Management Document (2014) (DMD) states that development involving the conversion of existing units into self-contained flats and houses of multiple occupation (HMO) will only be permitted if it meets the listed criteria. Criterion B states that development must not harm the residential character of the area or result in an excessive number or clustering of conversions. Specifically, the number of conversions: must not exceed 20% of all properties along any road; and only 1 out of a consecutive row of 5 units may be converted.

7. The Council has stated that the neighbouring property No 657 Hertford Road currently has a certificate of lawful development to use the property as a HMO, which is not disputed by the appellant. The Council has also made reference to Nos 647 and 649 Hertford Road, which it states have also been converted into flats.

8. Whilst Nos 647 and 649 would be considered as part of the percentage calculation of properties along the road, they would not form part of the same consecutive row, as they are separated from the row of terraces by a car dealership. Hertford Road is a relatively long road, and there is no evidence before me to suggest that the 20% figure is breached by the proposal. However, as the neighbouring property is in use as an HMO, the appeal property creates more than one out of a consecutive row of five units which is converted into flats and HMOs. Therefore, in this respect, the proposal would not comply with Policy DMD 5.

9. I note the appellant states that the appeal scheme would provide a compensatory family unit with 3 bedrooms with direct access to amenity space. However, the area is predominately characterised by single family dwelling houses and the proposal results in a clustering of conversions in one particular area of the street, to the detriment of the character of the area.

10. In terms of the staircase, the proposal would introduce a set of stairs and a 1.8m high privacy glass balustrade at the rear of the property, to allow the flat at the first floor access to the garden area. The introduction of the external staircase to the rear, together with the obscurely glazed balustrade, would significantly alter the appearance of the property and it would result in an incongruous addition, which would be readily visible from the surrounding residential properties.

11. I acknowledge that the proposed staircase would not alter the appearance of the front elevation of the property and would not be visible from the street scene. However, it would be clearly visible from the rear of the surrounding properties and would appear as a stark and prominent feature at odds with the external character and appearance of the host property and nearby dwellings. As such it would have an adverse effect on the character and appearance of the appeal property and its surroundings.

12. The proposal would harm the character and appearance of the site and surrounding area and results in more than one out of a consecutive row of five units converted into self-contained flats and HMOs, thereby resulting in a clustering of conversions. Therefore, it is contrary to Policies 7.4 and 7.6 of the London Plan (LP) (2016), Policies CP30 and CP20 of the Enfield Core Strategy

(CS) (2010) and Policies, DMD6, DMD5, DMD8 and DMD37 of the DMD. These policies, collectively seek, amongst other things, for development not to harm the character and appearance of the area and to take account of the context and pattern of the surrounding area, so that it does not harm the residential character of the area, or result in an excessive number or clustering of conversions.

Highway safety

13. The submitted plans show that there would be a parking area to the front of the property which would provide one off-street parking space. The plans also show a dropped kerb, a refuse and recycling area and a cycle bay. Policy DMD 46 of the DMD states hat new access on "A" roads and other busy classified roads will not normally be permitted, it also sets out a list of criteria for vehicle crossovers and dropped kerbs.

14. The road outside the property is relatively busy, which I observed on my site visit, and there are a mixture of parking restrictions on the nearby roads. The property is also in close proximity to a number of junctions. The size of the parking area to the front of the property would not allow the driver of a vehicle to enter and exit the crossover in a forward gear.

15. The appellant has made reference to the Council's Technical Standards for Footway Crossovers (2013) as it states that it may be acceptable for vehicles to reverse either onto or off the highway. The appellant also suggests that the proposal would have a good level of visibility and the volume of traffic and width of the road, would allow vehicles to enter and leave the site without creating a hazard.

16. However, in order to leave and enter in a forward facing gear, it would require manoeuvres to take place on the pedestrian footway or on the road outside the property. The streetlight outside the property would also restrict the manoeuvres that could take place. Vehicles using the parking area would impede the flow of traffic and it would be harmful to pedestrians using the footpath, particularly if vehicles did not leave in a forward facing gear. Furthermore, the proposal would alter the frontage of the property, and would have negative impact on the existing character of the area and street scape which is characterised by low brick walls to the front of the property and garden area.

17. The Council has suggested that the proposal would increase on street parking pressure. However, there are no formal parking spaces currently outside the property and the proposal would introduce an off-street parking space. The parking standards for a 4 bedroom dwelling and a 1 bedroom and 3 bedroom property are similar. Therefore, I am not persuaded that it would cause an increase in parking demand in the area over the existing situation, as it would not displace any further vehicles onto the highway. Furthermore, it would, reduce demand for on-street parking due to the provision of 1 off-street parking space. Therefore, in this respect the proposal would not be harmful.

18. I note that the appellant has suggested that he would be willing to omit this element from his scheme. However, the Procedural Guidance for Planning Appeals is clear that the appeal process should not be used to evolve a scheme and I have determined it as submitted.

19. Whilst I have identified that the proposal would not increase on street parking pressure, the proposed parking area development would have a harmful effect on highway safety. Therefore, it would be contrary to Policies 6.9, 6.10 and 6.13 of the London Plan (2016), Policy CP25 of the Enfield Core Strategy (2010), Policies DMD45, DMD46, DMD47 and DMD48 of the Enfield Development Management Document (2014) and the Revised Technical Standards for Footway Crossovers (2013). These policies and guidance collectively seek, amongst other things, for development to provide appropriate parking that would have a detrimental impact on highway safety.

Other Matters

20. I note that the appellant has highlighted the lack and need of housing within the area and states it would provide a high standard of accommodation. Whilst the proposal would help create a different type of residential unit, it has only created one additional residential unit, therefore, the benefits to the housing supply are limited and it would not overcome the harm that I have identified above.

Conclusion

21. For the reasons set out above, the appeal is dismissed.

D Peppitt

INSPECTOR