



Appeal Decision

Site visit made on 22 September 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2020

Appeal Ref: APP/Q5300/W/20/3254811
245 Albany Park Avenue, Enfield EN3 5NZ

- 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 A Khonsoorkh against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01091/FUL, dated 2 March 2020, was refused by notice dated 27 May 2020.
 - The development proposed is conversion of single dwellinghouse to two self-contained flats (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The main parties describe the proposal as 'retrospective'. The application form also indicates that the development was completed in November 2019. I have therefore determined the appeal on the basis that the development has already occurred.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the provision of family housing;
 - ii) the effect of the proposal on pedestrian and highway safety; and
 - iii) whether or not the proposal would make adequate provision to minimise energy-related CO₂ emissions.

Reasons

Provision of Family Housing

4. The appeal proposes the conversion of an end-of-terrace dwelling to form 2 flats. Policy DMD 5 of Enfield's Development Management Document 2014 (DMD) sets out criteria that must be met where conversion of existing residential units into self-contained flats is proposed, and includes a requirement for compensatory provision of family accommodation within a development where existing family units are converted.
5. Floor plans for the appeal dwelling prior to its conversion to flats have not been provided. Nevertheless, whether it contained 4 bedrooms as suggested by the Council or 6 bedrooms and a spare room as the appellant asserts, it would be considered family accommodation under the terms of Policy DMD 5 which refers to such properties as those with more than 3 bedrooms.

6. No harm has been identified to the character or appearance of the area as a result of the development. However, the proposal is for 2 two-bedroom flats, and does not include compensatory provision for the family accommodation which would be lost through the conversion of the appeal dwelling. The resulting net loss of family housing would conflict with DMD Policy DMD 5.
7. The supporting text to DMD Policy DMD 5 notes that it seeks to ensure there is no net loss of family housing or harm to the strategic objective to increase the supply of family homes. No compelling evidence has been provided to demonstrate that there is no demand or need for dwellings of the size provided on the site, nor that the dwelling would be unaffordable for potential occupiers or otherwise unsuitable.
8. While I do not dispute that the flats could potentially be occupied by small families, access to external garden space from the first-floor flat would be via the street and land outside of the appeal site to the side of the building. In my view, this would not represent a good quality design or be well-suited to occupation by families with children and I do not find that the proposed flats would offer suitable mitigation for the loss of family housing on the site.
9. Core Policy 5 of Enfield's Core Strategy 2010 (CS) indicates a borough-wide strategic target for 20% of market housing to comprise 1 and 2 bed flats, but it also seeks 20% as 4+ bed houses in order to offer a range of housing sizes to meet needs. I accept that the development would add to the overall supply of housing, and the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP) also comments that there is a significant need for homes that meet the requirements of smaller households. Even so, no substantive evidence to demonstrate that there is an equal or greater requirement for 2-bedroom flats than a 6-bedroom house has been provided. In this context, I do not find that the lack of compensatory provision for family accommodation on the site and conflict with DMD Policy DMD 5 would be outweighed by the provision of the 2 flats.
10. For these reasons, I conclude on this main issue that the proposal would adversely affect the provision of family housing. This would be contrary to Core Policy 5 of the CS, Policy DMD 5 of the DMD 5 and Policy 3.8 of the LP which broadly seek homes which meet requirements for different sizes and types of dwellings, including sufficient family accommodation. The Council additionally refers to Core Policy 4 of the CS and DMD Policy DMD 8, but these policies are concerned more with housing quality and standards which new residential development should achieve and I consider they are of less relevance here.

Highway Safety

11. Space to the front of the appeal building could accommodate parking for 2 vehicles in accordance with relevant standards within the LP. However, the existing vehicle crossover to the site does not extend across the whole frontage width. It would not therefore serve both spaces, resulting in a likelihood of vehicles crossing the footway when entering or leaving the site to the detriment of pedestrian and highway safety.
12. The appellant has submitted a letter from the Council's Highway Services giving approval for the construction of a 2.44m extension to the vehicle crossover. The letter requires that additional works comprising provision of a permanent boundary at the front of the property are completed before the crossover can

be extended, although a photograph referred to within the letter has not been provided. No further plans or details which would indicate the position or extent of the vehicle crossover and/or the required boundary in relation to the layout within the site are before me. As a consequence, I cannot be certain whether the required boundary would impede independent access to parking on the site, or the collection or storage of waste which is currently indicated to the front of the building.

13. The evidence before me does not therefore demonstrate that a suitable extension to the crossover to enable access to parking within the site would be achievable. As a consequence, I conclude on this main issue that the proposal would be likely to result in manoeuvres which would cause unacceptable harm to pedestrian and highway safety. This would be contrary to Policies 6.10 and 6.13 of the LP, Core Policies 24 and 25 of the CS and Policies DMD 45, DMD 46 and DMD 47 of the DMD. These policies aim, amongst other things, to provide a high quality public realm, maintain pedestrian and highway safety and ensure adequate car parking provision.

CO₂ Emissions

14. At appeal stage, the appellant has submitted an Energy and Sustainability Statement (ESS). The ESS suggests that the development could achieve a 42.6% reduction in CO₂ emissions over equivalent dwellings built to Part L of the Building Regulations 2013 through energy efficiency measures. However, the appended Standard Assessment Procedure or SAP Regulation Checklists indicate that while less than the notional equivalent dwellings, both flats would result in excess emissions some way above Part L Target Emission Rates. This is not discussed within the ESS, and from the information before me, I am therefore uncertain whether or not targets within the development plan for reductions in CO₂ emissions over Building Regulation Requirements would be met.
15. Moreover, the ESS confirms that low and zero carbon energy technologies have not been assessed for the project, but no mitigating factors are put forward. This is contrary to requirements within LP Policy 5.2 and DMD Policy 51 that development should make the fullest contribution to minimising CO₂ emissions in accordance with energy hierarchies which include the use of low and zero carbon technology.
16. The appellant has suggested that energy efficiency can be improved upon relatively easily, however, from the information before me, there is no certainty that a condition to require the submission of further information would be effective. I also do not know whether living conditions for occupiers of the site or neighbouring properties or the character or appearance of the area could be affected by any additional measures which may be relied on to achieve targets. It would not therefore be appropriate to defer consideration of this matter to a planning condition.
17. I am not therefore satisfied that it has been demonstrated the proposal would make adequate provision to minimise energy-related CO₂ emissions. It would accordingly conflict with Policies 5.2, 5.3 and 5.7 of the LP, Core Policy 20 of the CS and Policies DMD 50, DMD 51 and DMD 53 of the DMD. Amongst other things, these policies require the highest standards of sustainable design and construction and that development proposals demonstrate how energy-related CO₂ emissions would be minimised.

Other Matters

18. The appellant's ESS includes a water consumption plan indicating that the water consumption target within LP Policy 5.15 would be met. The Council advise that this would overcome the fourth reason for refusal, and I am satisfied that further details to demonstrate implementation of the relevant measures could be secured by condition had the proposal been otherwise acceptable.
19. I note the appellant's comments regarding difficulty in communicating with the Council and that no opportunity was provided to address the Council's concerns during the application process. However, this is not a factor which alters my consideration of the planning merits of the proposal.

Conclusion

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

J Bowyer

INSPECTOR