
Appeal Decision

Site visit made on 28 August 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/Q5300/W/20/3245209

127 Hoppers Road, Southgate N21 3LP

- 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 Gratitude Homes Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03015/FUL, dated 28 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is use of the building as two flats (1x1 bed & 1x3 bed) with associated works, parking and gardens for each flat.
-

Decision

1. The appeal is allowed and planning permission is granted for use of the building as two flats (1x1 bed & 1x3 bed) with associated works, parking and gardens for each flat at 127 Hoppers Road, Southgate N21 3LP in accordance with the terms of the application, Ref 19/03015/FUL, dated 28 August 2019, subject to the attached Schedule of Conditions.

Application for costs

2. An application for costs was made by Gratitude Homes Ltd against Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matter

3. I note the description of development on the decision notice, however, I have used the description from the application form in the interests of certainty.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable living environment for future occupiers with particular regard for internal space and private external amenity space; and
 - whether the proposed development would provide adequate waste storage provision.

Reasons

Living environment

5. There is a dispute between the main parties as to the gross internal area (GIA) of the upper floor flat. From the evidence before me and my observations during the site visit, the internal areas of the proposed rooms and landing would allow enough space for standard furniture with sufficient circulation space. In particular, while the lounge on the first floor and Bedroom 2 on the second floor would be smaller than existing, and the bedroom on the first floor would be converted to a kitchen, the resultant space would still be sufficient for the use of future occupiers. As such, I am not persuaded that the GIA would not meet the Technical housing standards – nationally described space standard (NDSS) requirement. In any event, even if there is a shortfall, it would be insignificant, and the rooms and room layouts would be functional and fit for purpose.
6. Turning my attention to the rear garden, the three-bedroom upper floor flat would not have direct access to the private amenity space to the rear of the site. Given the provision of three bedrooms, future occupiers would be likely to include families who would need to exit the front door and walk around the side of the building to access their garden. This arrangement would inevitably result in a degree of inconvenience. However, given that the private amenity space would far exceed the size requirements set out in Policy DMD 9 of the Development Management Document Adopted November 2014 (DMD), and the route to the private amenity space would not be a significance distance, the inconvenience would not be to an extent that would unduly affect the living environment of future occupiers. Moreover, while I note the justification and guidance on implementation, the private amenity space would not be a significant distance from the dwelling such that it would not be functionally severed and would be capable of being used by residents.
7. Consequently, the proposed development would provide a suitable living environment for future occupiers with particular regard for internal space and private external amenity space.
8. Therefore, it would not conflict with the aims of the NDSS or Policy 3.5 of The London Plan The Spatial Development Strategy For London Consolidated With Alterations Since 2011 March 2016 (LP) which requires, among other thing, that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. Furthermore, it would not conflict with DMD Policies DMD5 and DMD8 which seeks among other things, developments which meet or exceed minimum space standards in the London Plan. The proposal would also not conflict with the aims of the Housing Supplementary Planning Guidance March 2016 (SPG).
9. The proposal would not conflict with DMD Policy DMD9 which seeks good quality private amenity space. In addition, the proposal would not conflict with Policies CP4 and CP30 of The Enfield Plan Core Strategy 2010-2025 Adopted November 2010 (CS) and DMD Policy DMD 37 which together seek, among other things high quality design.

Waste provision

10. The bins would be stored in the private amenity areas to the rear of the site. On collection days the future occupiers would be required to bring their bins to the front of the property to the driveway. Given that the property will be subdivided into two dwellings, there would be an increase in the number of bins being stored at the front of the property on collection days. However, from the evidence before me and my observations during the site visit, there would be sufficient space to store the bins on the driveway on a temporary basis on collection days without conflicting with the parking bays. Given the temporary nature of the proposed bin storage at the front of the property, significant adverse effects in terms of odour impacts and waste clutter on the street would be unlikely.
11. Consequently, the proposed development would provide adequate waste storage provision. Therefore, it would not conflict with LP Policy 5.17, CS Policy CP22 and DMD Policy DMD8 which together seek appropriate provision of waste storage. In addition, it would not conflict with LP Policy 7.5 and DMD Policy DMD 6 which relate to public realm and residential character. DMD Policy DMD57 relates to all major developments and is therefore not directly relevant to this appeal. In any event, since the proposal makes appropriate provision for waste storage, it would not conflict with this Policy. In addition, the scheme would not conflict with the Waste and Recycling Storage Planning Guidance.

Other Matters

12. I note the comments of the Inspectors for the cases at St Georges Road, Fox Lane, Lavender Hill and Leeds Street. These cases are in different parts of the district and do not form a direct comparison with the appeal site. In any event, each case must be determined on its individual merits.

Conditions

13. As well as the standard conditions relating to time limit and specifying drawings, conditions relating to external materials, refuse, cycle spaces and enclosure are necessary to safeguard the character and appearance of the area. A condition restricting permitted development rights relating to windows is necessary to safeguard the living conditions of neighbouring occupiers.

Conclusion

14. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Qda.061 20 Rev C; Qda.061 21 Rev B; Qda.061 22 Rev B.
- 3) The external finishing materials shall match those used in the construction of the existing building and/or areas of hard surfacing.
- 4) Prior to the occupation of the development, details of refuse storage facilities including facilities for the recycling of waste to be provided within the development, in accordance with the Enfield Councils Waste and Recycling Planning Storage Guidance shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details before the development is occupied or use commences.
- 5) Prior to the first occupation of the development, details of the siting, number and design of secure/covered cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be installed and permanently retained for cycle parking.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the side elevation.
- 7) The site shall be enclosed in accordance with details to be submitted to and approved in writing by the local planning authority. The means of enclosure shall be erected in accordance with the approved detail before the development is occupied.

END OF SCHEDULE