



Appeal Decision

Site visit made on 18 August 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal Ref: APP/Q5300/W/20/3248428

59 Lancaster Road, Enfield EN2 0BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class M, Paragraph M.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Alan Beesley against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/04266/PIA, dated 9 December 2019, was refused by notice dated 19 February 2020.
 - The development proposed is described as 'proposed conversion of existing office area to the rear of 59 Lancaster Road to form self-contained residential unit'.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M, Paragraph M.2.(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for conversion of existing office area to form self-contained residential unit to rear at 59 Lancaster Road, Enfield EN2 0BU in accordance with the terms of the application Ref 19/04266/PIA, dated 9 December 2019, the details submitted with it including drawings 2220-01 and 2220-02 and pursuant to Article 3(1) and Schedule 2, Part 3, Class M, Paragraph M.2.(1).

Procedural Matters

2. The address in the banner heading and decision above has been taken from the application form. The description of the development has also been taken from the application form; however, I have reordered it to avoid repeating the address.
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) has been amended by Part 2 of the Town and Country Planning (Permitted Development and Miscellaneous Amendments (England) (Coronavirus) Regulations 2020 (the GPDO Regulations). However, Part 5 of the GPDO Regulations sets out that the GPDO continues to have effect as if the amendments had not been made where an application for prior approval has been made before 1 August 2020 and subsequently appealed. This is the case here and thus the amendments do not apply for the purposes of this appeal.
4. In addition, the Town and Country Planning (Use Classes) Order 1987 (the UCO) has been amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the UCO Regulations). However, Regulation 3(2) of the UCO Regulations provides that any references in the

GPDO to uses or use classes specified in the Schedule to the UCO are to be read until 31 July 2021 as if those references were to the uses or use classes which applied on 31 August 2020. This letter should be interpreted accordingly.

5. Class M of Part 3, Schedule 2 of the GPDO permits development consisting of a change of use of a building from a use falling within Class A2 (financial and professional services) to a use falling within Class C3 (dwellinghouses), as defined by the Schedule to the UCO, and building operations reasonably necessary to convert the building.
6. The Council does not consider that the development would fail to be permitted as a result of the limitations set out at Paragraph M.1. of Class M and no evidence has been submitted which leads me to reach a different view. However, Paragraph M.2. of Class M sets out conditions which must be satisfied for the development to be permitted. These include a requirement for the developer to apply to the Council for a determination as to whether their prior approval is required in respect of the matters that are specified at sub-paragraphs (a) to (e) of Paragraph M.2.(1) of Class M. In this case, the Council refused prior approval in respect of sub-paragraph (a) of Paragraph M.2.(1), which relates to transport and highway impacts.
7. The Council also refers to the effect of the proposal on the street scene. However, this matter is not within the scope of any of the prior approval matters nor any of the other conditions of Paragraph M.2. and it can therefore have no bearing on whether prior approval should be granted. I thus consider it no further.

Main Issue

8. The main issue is whether the development would result in transport and highway impacts, with regard to the accessibility of proposed cycle and bin storage.

Reasons

9. The proposal seeks to convert part of an estate agent's office into a residential unit to the rear of 59 Lancaster Road. A cycle store and a bin store area are proposed beside the unit. Access to the unit from Lancaster Road would be gained via an alley between 55 and 57 Lancaster Road. The Council is concerned that the alley would not be wide enough for the cycle store and bin store area to be usable.
10. The appellant has put forward that the London Cycling Design Standards specify that any routes that people are expected to take cycles through must be at least 1.2 metres wide. However, I have not been provided with that document or details regarding its status. In addition, I have not been referred to any development plan or national policies which set out detailed accessibility requirements for cycles in relation to this matter.
11. The appellant has stated that the Council operates a refuse and recycling sack collection service for residential units which have no street frontage and that this currently serves many properties along Lancaster Road. The appellant also states that sacks are presented for collection within Lancaster Road. I have not been provided with any evidence which indicates that this is not the case.

12. At my site visit it appeared that the alley would be wide enough for an occupier of the unit to walk along it with a cycle or while carrying refuse and recycling sacks.
13. The site is in an accessible location within reasonable walking distance of bus stops and Gordon Hill train station. Future occupiers would therefore be able to travel to meet their daily needs without reliance on private motor vehicles, even if there were no provision of cycle storage within the site. Furthermore, as the number of occupiers would be limited by the small size of the unit, the number of daily vehicle movements to and from the site is also likely to be minimal. I have not been provided with any evidence that there are currently highway or traffic issues in the area and I have no reason to find that a potential small increase in vehicle movements would result in harmful traffic and highway impacts.
14. Similarly, only a small number of refuse and recycling sacks are likely to be generated by the occupiers. I have no reason to find that the presentation and collection of a small number of sacks within Lancaster Road would block the highway to any significant extent or otherwise create traffic issues.
15. I therefore conclude that the proposal would not result in harmful traffic and highway impacts.

Conditions

16. Any planning permission granted under Article 3(1) and Schedule 2, Part 3, Class M of the GPDO is subject to the conditions set out in Paragraph M.2.(3) of Class M. In addition, Paragraph W(12)(a) of Schedule 2, Part 3 of the GPDO requires development to be carried out in accordance with the approved details.
17. The Council has requested that conditions are imposed to require the provision and retention of the cycle and refuse details on site as per drawing 2220-02. However, I do not find that these conditions are necessary in order to make the development acceptable having regard to my findings above.

Conclusion

18. For the above reasons the appeal is allowed and approval is granted.

Mark Philpott

INSPECTOR