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# Appeal Decision

Site visit made on 5 October 2020

**by Paul Thompson DipTRP MAUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> October 2020**

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**Appeal Ref: APP/Q5300/W/20/3254687**

**5 Orchardmede, Southgate, Enfield, London N21 2DL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr P Buxton against the Council of the London Borough of Enfield.
  - The application Ref 19/03278/FUL, is dated 19 September 2019.
  - The development proposed is change of use from C3(Dwelling house) to C2(Care home) with associated side and rear extensions.
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## Decision

1. The appeal is dismissed and planning permission for change of use from C3(Dwelling house) to C2(Care home) with associated side and rear extensions is refused.

## Application for costs

2. An application for costs was made by Mr P Buxton against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

## Procedural Matters

3. The appeal is against the failure of the local planning authority (LPA) to determine an application for planning permission. As the jurisdiction to determine the application transferred from the LPA upon valid receipt of this appeal, I have undertaken my own assessment of the effect of the appeal scheme. Nonetheless, from the evidence before me, it appears that the LPA had some concerns in respect of the principle of the development and would have been likely to refuse the application in respect of that matter had it been empowered to do so.
4. Although there appears to have been some discussion between the main parties with regard to the use classification of the proposal, this is not a matter for me to determine in the context of an appeal made under section 78 of the Act<sup>1</sup>. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. I have therefore determined the appeal in relation to the proposal as described above.

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<sup>1</sup> Town and Country Planning Act 1990.

5. Email correspondence between the main parties appears to refer to plans that may have been discussed as part of the planning application, but these differ from those identified on the 'list of plans submitted to the LPA', provided by the appellant. With this in mind, I have determined the appeal on the basis of the plans identified on that list, namely: OS Plan, Orch 19/01 Rev A, Orch 19/02 Rev A and Orch 19/03 Rev A.

### **Main Issue**

6. The main issue is whether there is a need for the proposed development, with particular regard to the proposed internal arrangements and their suitability for future occupiers.

### **Reasons**

7. The appeal scheme concerns an existing detached single-storey property situated within a residential street. The proposed use would be for specialist housing needs and the proposed extensions would lead to an increase in the existing residential floorspace of the property.
8. In correspondence between the main parties, the Council's Adult Social Care service confirmed that each of the proposed bedrooms should be provided with en suite bathrooms. However, the application drawings indicate that a shower room and separate bathroom would be shared by the future occupiers and their carers. The proposed internal arrangements would therefore lead to an inadequate form of accommodation that would fail to maximise the privacy and potential for independence of the future occupiers of the proposed development.
9. Despite the compliance of the proposal with one of the three optional criteria outlined under policy DMD4 of Enfield's Development Management Document (DMD), the proposal would fail to comply with policy DMD15 of the DMD. Moreover, policy DMD15 requires that the need for specialist housing in the Borough should have regard to, amongst other things, evidence from Health and Adult Social Care Commissioning Strategies; and proposals should be designed to meet the needs of specific client groups but remain flexible in the advent of change.

### **Other Matters**

10. Some retail, leisure and other facilities directly relevant to the future occupiers are available nearby, along with public transport. I understand that the two staff members required for each shift would be likely to utilise public transport and future occupiers would be unlikely to require transport from the premises. Be that as it may, given that there is space to the frontage of the property and other properties within Orchardmede have curtilage parking for vehicles, it would not be out of character to provide additional parking at the site frontage.
11. The proposed extensions to the house would partly include a flat roof to the side and rear, as a replacement for the existing flat-roofed garage; and partly with continuation of the existing pitched roof further into the rear garden. The extended property would therefore retain a very similar form and appearance, particularly as it would utilise a carefully considered palette of materials. With this in mind the proposal would not have a harmful effect on the character and appearance of the existing property or the surrounding area.

12. Given the number of future occupiers, the scale of the proposed extensions and their separation from the boundaries of the site, it is unlikely that the proposal would result in a significant change in the noise environment within Orchardmead or the outlook and daylight experienced by neighbouring occupiers. The proposal would not therefore be likely to have a harmful effect on the living conditions of neighbouring occupiers.
13. Nevertheless, none of these other matters alter or outweigh my conclusion on the main issue.

### **Conclusion**

14. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused for the appeal scheme.

*Paul Thompson*

INSPECTOR