
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: 9th November 2020

Appeal Ref: APP/Q5300/W/20/3249922

2 Queen Annes Grove, Enfield EN1 2JP

- 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 Dushmanthe Ranetunge against the Council of the London Borough of Enfield.
 - The application Ref 19/03415/FUL, is dated 4 October 2019.
 - The development proposed is sui generis, supported housing facility for up to eight people (e.g. supported housing for people with learning disabilities or mental health problems).
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Decision

1. The appeal is dismissed, and planning permission is refused.

Main Issues

2. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. The Council has provided an appeal statement which includes the reasons for refusal for a similar previous application¹ on the site, which was dismissed at appeal². The Council has stated that whilst it notes the reduction in the occupation levels (by 2 persons), it does not consider this reduction would adequately overcome the previous reasons for refusal. Whilst the Council has provided an extract from the conclusion of the previous appeal, it is not clear whether it agrees that these reasons for refusal have been overcome. I also note that interested parties have objections in these respects.
3. Accordingly, I identify that the main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties, with particular reference to noise and disturbance;
 - The effect of the proposal on the loss of a family sized dwelling and the effect on the housing need for family sized dwellings;
 - The effect of the proposal on the character and appearance of the site and surrounding area, with particular regard to refuse and cycle storage; and

¹ 17/02523/FUL

² APP/Q5300/W/18/3196259

- The effect of the proposed development on highway safety, with particular reference to parking.

Reasons

Living conditions of the occupiers of the neighbouring properties

4. The property in its existing use can be occupied by up to six residents, therefore, it would not be too dissimilar to that of a large family. The submitted plans show that the property has eight bedrooms over 3 floors, a study, bathroom, a communal kitchen and dining/lounge area and 2 rooms which are not annotated. A number of the bedrooms would be located against the party wall of the adjoining property, No 4 Queen Annes Grove (No 4).
5. The intensified occupation of the property would result in an overall increase in comings and goings, activity and noise. I consider that 8 independent residents, together with their possible visitors, would find the communal living space to be insufficient for relaxation and leisure and privacy. Therefore, it is likely to result in residents, and potentially their guests, having to rely on the use of the garden area, or for more private space, their bedrooms, for relaxation and leisure time activities.
6. The appellant has stated that the residents have few visitors and has provided a snapshot of visitors from the guest book for the property. However, the frequency of guests may change depending on the residents who are staying at the property. Furthermore, if the number of residents increases, the number of guests would also be likely to increase. Whilst I note a condition could be imposed regarding the number of residents able to stay at the property, this would not preclude residents having visitors, or the number of staff members that may need to visit.
7. I acknowledge that the impacts of the noise and disturbance could occur if the property was occupied by a large family. However, the proposal would add an additional 2 people to the property, therefore, the noise and disturbance experienced by neighbouring properties would be likely to increase, as the residents at the property are more likely to live independent lifestyles, compared to a single family.
8. Furthermore, the nature of the use is different to a family home, with staff members coming and going, and a turnover of different residents. Although the appellant has highlighted that the property is not a care home, but an assisted living facility, the nature and intensification of the property would be likely to result in an increase in noise and disturbance events.
9. The appellant has stated that he has carried out extensive sound insulation on the entire party wall with No 4. However, I note that the neighbouring occupiers contend that they still experience noise and disturbance. The appellant has provided a Sound Insulation Test Report³, which states that the tests have demonstrated the separating walls have achieved the airborne sound insulation requirements of Building Regulations. In any case, whilst the property may have insulation along the party wall, this would not mitigate against noise and disturbance that may occur in the garden area, or the general comings and goings of residents and their visitors and staff members.

³ Sound Insulation Test Report 2 Queen Annes Grove, Enfield, EN1 2JP - Soundtesting (June 2019)

10. In terms of No 80 Park Avenue (No 80), which sits behind the appeal site, the appellant states he has erected a new, tall fence to help alleviate any potential disturbances. He also suggests that he has not received any complaints since it has been erected. However, the fence would not completely block sound and activity from the garden area, and the intensified use of the property would be likely to increase the chance of noise and disturbance experienced by the occupiers of the neighbouring properties.
11. Consequently, the increased levels of noise and disturbance would harm the living conditions of the occupiers of the neighbouring properties. Therefore, it would be contrary to Policies CP4, CP30 and CP32 of the Enfield Core Strategy (CS) (2010), Policies DMD 5, DMD 8, DMD 15, DMD 37 and DMD 68 of the Development Management Document (DMD) (2014), Policy 3.5 and 7.15 of the London Plan (LP) (2016). These Policies, amongst other things, seek to secure development that preserves residential amenity from unreasonable levels of noise and disturbance.

Loss of a family sized dwelling and effect on housing need

12. The property is already operating as a specialist housing unit with multiple residents. The addition of 2 more residents would not make the property out of character in a residential area, which is broadly characterised by larger family homes. By allowing 2 more residents within the property, the proposal would contribute positively to a specific type of housing being available within the Borough.
13. The appellant has directed me to the previous appeal decision for the site, in which the Inspector found that the proposal would not result in the loss of an existing residential unit and would instead replace one type of residential unit with another. Furthermore, the Inspector identified that as the appeal property had already been converted to a specialist housing unit, even if the appeal were dismissed, it would not be occupied as a family home. There is no evidence before me to suggest that the circumstances in this appeal have materially changed since that decision. Therefore, I consider that the same principles also apply to this proposal.
14. The proposal would not result in the loss of a family home because the loss has already occurred, and the property is unlikely to revert back. Moreover, a conflict with Policy DMD 5 would not occur as this policy is not engaged, as the appeal scheme does not relate to a conversion to a house in multiple occupation or self-contained flats. Thus, the proposal would not result in the loss of a family sized dwelling, and the overall effect on the supply of family sized accommodation is not determinative to the outcome of this appeal. Therefore, it would accord with Policies CP4, CP5 and CP30 of the CS and Policies 3.5, 7.4 and 7.6 of the LP. These policies, amongst other things, seek to secure a range of housing choices.

Character and appearance

15. The appeal property is a large semi-detached dwelling, located at the junction of Park Avenue and Queen Anne's Grove. The surrounding area is predominately residential and is characterised by semi-detached dwellings, with front gardens and areas for parking to the front of the properties.

16. The proposal would not alter the external appearance of the property itself, therefore, this element would remain unchanged. The appeal site has adequate space to the rear of the site in which the storage areas could be accommodated and there is nothing before me to suggest the storage facilities would have to be at the front of the property. The storage areas, if located at the rear, would be out of public view, as such, they would not have a detrimental impact on the street scene, or the character and appearance of the area.
17. In any case, this could be dealt with through an appropriately worded condition, were I minded to allow the appeal. I note that the appellant has stated such a condition is not necessary. However, a condition securing an area to the rear, would ensure that that they would remain in perpetuity, and that such facilities would not be moved to the front of the property.
18. The proposal would not have a harmful effect on the character and appearance of the site and surrounding area. Therefore, it would accord with Policy CP 30 of the CS and Policies DMD5, DMD6 and DMD37 of the DMD and Policies 3.5, 7.4 and 7.6 of the LP and the London Housing SPD. These policies and guidance, amongst other things, require development to respect the local character.

Highway safety

19. The Council's reason for refusal states that the proposal would unacceptably impact upon on-street car parking capacity on Queens Annes Grove and surrounding streets. It states that due to the more intensive use proposed, it would lead to conditions prejudicial to the free flow and safety of traffic. I note that there were also concerns raised by interested parties around parking issues in the area.
20. The appeal site is not located within a Controlled Parking Zone and has a public transport accessibility level (PTAL) score of 3 which is a 'moderate' level of accessibility as defined by Transport for London (TfL). The appellant has submitted a Transport Statement⁴ (TS), which highlights that there are a large amount of shops and services, including a Sainsbury's Local, Bush Hill Park Post Office, Haywards Pharmacy and a cost cutter located within 700 metres to the east of the site, which is within a reasonable walking distance. It also states that 5 long-stay cycle storage spaces shall be provided to the rear of the property.
21. The appellant has provided a letter from the current manager of the site, which suggests that none of the residents at the property currently drive. The TS also states that since 1987, no residents at any of the care facilities operated by the appellant have had any type of vehicle or had the ability to drive. I acknowledge the current position in terms of residents at the property, nevertheless, this does not necessarily mean future residents would not have a car.
22. The proposal would increase the number of residents in the property, therefore, it is likely that the parking needs of the property would also increase, whether that be through the residents themselves, as well as visitors and staff members that would visit the property. Although I note that

⁴ TRANSPORT STATEMENT – Paul Mew Associates (September 2019)

the appellant has outlined that many of the staff use public transport to get to the property and that there are cycle racks available for staff.

23. The TS carried out a parking stress test as part of the assessment. The results of the on-street and on-site parking demonstrated that the roads surrounding the site are accommodating the assisted living facilities existing parking demand, with spare on-street parking capacity.
24. Whilst the TS assumed that no parking demand would arise from residents at the property, I note that it states there was a number of spaces available in the surrounding streets. Therefore, even if the residents did drive, there would be adequate spaces for the parking of vehicles. Therefore, the proposal would not cause harm to the free flow and safety of traffic in the area.
25. Accordingly, the proposal would not have a harmful effect on highway safety. Therefore, it would accord with, Policies 24, 45, 47 and 48 of the DMD and Policies 6.3 and 6.13 of the LP. These Policies require development to not harm highway safety.

Planning Balance and Conclusion

26. Having regard to the Public Sector Equality Duty in the Equality Act 2010, the property as existing, facilitates the ability of people with disabilities to meet their needs and also be located in a community environment. The proposal would enable more residents to stay at the property, which would help to support them in moving towards greater independence, and help them to integrate into the local community. Thus, persons with a protected characteristic may be negatively affected by the dismissal of this appeal.
27. Whilst 2 additional places at the property would be beneficial, the property is already operating and providing support, therefore, the effect of 2 additional places on top of the existing operation would only be limited. Furthermore, residential support and care can be provided in other ways through other facilities. Therefore, the negative impact of not allowing the appeal would be limited.
28. The appellant has also set out how the company who runs the property has contributed to the community, such as providing employment, working with local schools to promote health and social care, offering work experience, the residents engaging in voluntary work, and supporting the local food bank. The appellant also highlights that there is a recognised demand for this sort of facility, and that it would help reduce demand for beds in hospitals.
29. However, it is unclear to what extent these benefits are reliant on this proposal, as the property is already in operation as an assisted care facility, and the effect of 2 more places at the property, in terms of its wider benefits to the healthcare system would be limited.
30. The benefits of the appeal scheme, and the negative impacts from dismissing it, need to be weighed against the harm that I have identified above. I have identified that the proposal would not result in the loss of a family sized dwelling or effect the housing need for family sized dwelling and that it would have an acceptable effect on the character and appearance of the site and surrounding area and on highway safety.

31. However, these factors would not overcome the harm to the living conditions of the occupiers of the neighbouring properties, with particular reference to noise and disturbance. The adverse impact of the proposal is determinative, as well as the subsequent conflict with the development plans. Therefore, for the reasons set out above, I conclude that the appeal is dismissed, and planning permission is refused.

D Peppitt

INSPECTOR