
Appeal Decision

Site visit made on 9 November 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/Q5300/W/20/3245413

1081 Great Cambridge Road, Enfield EN1 4DA

- 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 Ms Houria Manassib against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03289/FUL, dated 17 September 2019, was refused by notice dated 13 December 2019.
 - The development proposed is conversion of single-family dwelling house into 2 self-contained flats (1x2-bed and 1x3-bed).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted, with slight modification, the development description set out on the Council's decision notice. I am satisfied that it is usefully more concise than that initially set out and its use would not prejudice either party. I have determined the appeal accordingly.
3. A further set of floor plans showing a revised layout at first and second floor levels in relation to the proposed upper floor flat (Flat B) were submitted with the appeal. These would, the appellant stated, address the Council's concerns regarding usable floorspace and floor-to-ceiling heights in relation to flat B. However, at the time of my visit to the site the property had been sub-divided and was occupied as two separate units of accommodation. For the avoidance of doubt, I have determined the appeal on the basis of the plans initially submitted and as considered by the Council.

Main Issues

4. The main issues are:
 - The effect of the proposal on the provision of family housing;
 - Whether or not the proposed development would provide adequate living conditions for future occupiers, with particular regard to the quality and quantity of internal accommodation, and external amenity space; and
 - The effects of the proposal on pedestrian and highway safety, with particular regard to the provision of vehicle parking, cycle storage and refuse storage.

Reasons

Provision of family housing

5. Policy DMD5 of the Council's Development Management Document (DMD) sets out the Council's approach to residential conversions where proposals will be supported subject to meeting a range of criteria. In the case of the conversion of family units into self-contained flats, the policy requires compensatory provision for family accommodation within the development. Core Strategy (CS) Core Policy 5 (CP5) seeks to ensure that a range of house sizes are provided across the borough, with the greatest emphasis on larger homes (3-bed+). The supporting text to DMD policy DMD5 usefully defines 'compensatory family housing'.
6. The submitted plans indicate that the appeal property was formerly a 4-bedroom dwelling with direct ground floor access to the modest garden at the rear of the property and as such was capable of occupation as family housing. Although there are slight discrepancies between the layout shown on the proposed plans and the layout I saw during my visit to the upper floor flat, both suggest occupation as a 3-bedroom unit.
7. The appellant concedes that the proposed upper floor flat, if occupied as a 3-bedroom unit, would not meet the Council's definition of compensatory family housing as it would lack direct, ground floor access to dedicated amenity space. I agree. It is clear that there is no such access to dedicated amenity space, nor is the appeal property conveniently located in relation to access to the rear lane from the ends of the row. As a consequence, the proposal would not therefore provide compensatory family housing.
8. There is no suggestion that the proposal would result in a clustering of converted properties using the metrics set out at DMD5(b) but as the proposal would fail to provide compensatory family housing it would fail to accord with DMD policy DMD5(2)(a). Whilst the appellant argues that the Council's desire to seek to protect and boost the supply of family housing is based on out of date figures, the Council have subsequently confirmed that the most up to date SHLAA continues to support this approach. I am also mindful that CS policy CP5 recognises the significance of the supply of 3-bed homes over the lifetime of the Core Strategy.
9. I acknowledge that the proposal would result in a net increase of 1 residential unit, thereby boosting housing supply albeit in a very limited manner. I acknowledge too that residential units created would meet the requirements of some sections of the borough's residents. I also note the appellant's contention that DMD policy DMD5 is not consistent with the Framework in supporting the development of small and medium sized sites, particularly windfall sites.
10. However, the Framework also seeks to ensure that the needs of groups with specific housing requirements are addressed, assessed and should be reflected in planning policies to secure a range of size, type and tenure of housing. It goes on to note one such type, amongst others, as being housing for families with children which is what CS policy CP5 and DMD policy DMD5 seek, amongst others, to promote and protect. I do not therefore agree with the appellant that DMD policy DMD5 is inconsistent with the Framework taken as a whole, or

that the weight afforded to this policy, or CS policy CP5, should be reduced as a consequence.

11. Whilst the proposal would provide a boost, albeit very limited, to the supply of housing and would provide a 2-bedroomed flat and a 3-bedroomed flat, this would not outweigh the harm arising from the loss of a family housing unit without adequate compensatory provision. The proposal would fail to align with the Council's aims of ensuring a range of house sizes to meet housing need and to protect family housing. Furthermore, the loss of a family housing unit would act against the objective of increasing the supply of larger (3+ bed units) homes. The proposal is therefore contrary to DMD policy DMD5 and CS policy CP5.

Living conditions

12. DMD policies DMD8 and DMD9 set out the general requirements for new residential development, including that they meet or exceed minimum space standards, provide well-designed, flexible and functional layouts with adequately sized rooms and provide good quality private amenity space. London Plan policy 3.5 also refers to the '*Technical housing standards – nationally described space standard*' (NDSS) in terms of minimum space standards for residential development.
13. The appellant accepts that bedroom 3 in the upper floor flat would be too small to be comfortably used as a bedroom, but is nevertheless shown as such on the submitted plans¹. It was also, at the time of my visit to the upper floor flat, fitted out as such. As a 3-bedroom unit, which it is capable of occupation as, the upper floor flat falls somewhat short of the NDSS requirements in terms of minimum floorspace. Even if I were to accept that the upper floor flat was to be a 2-bedroom unit, it would only just meet the minimum space standard. Without access to outdoor amenity space, it would provide neither a practical, flexible or functional layout nor an appropriate quality or quantity of accommodation. Whilst there may be opportunities for outdoor exercise and recreation in nearby parks, the type of leisure, relaxation and exercise that such spaces provide, and the practicality thereof, is materially different and not directly comparable to that offered by directly accessible private amenity space. Taking these factors together, I conclude that the proposal would be contrary to the aims and provisions of DMD policies DMD8 and DMD9.
14. Amended plans were submitted with the appeal showing a revised layout to the upper floor flat which the appellant contends would address some of the Council's concerns. The '*Procedural Guide – Planning Appeals – England*' states that the appeal process should not be used to evolve a scheme. What is considered at appeal should essentially be what was considered by the Council at the planning application stage. That would not be the case were I to accept the revised first floor and loft floor plans but, even if I were to do so, they do not satisfactorily demonstrate adequate floor-to-ceiling heights and usable floor areas at loft level, nor do they resolve the issue of access to amenity space.
15. The main living area for the ground floor flat is a long, narrowing open-plan lounge / kitchen area, for which the submitted plans show a single glazed door and thin glazed panels to the side. Even with the added benefit of the glazed roof lantern that I saw at the time of my visit, the main lounge area would

¹ As considered by the Council

remain largely reliant on artificial light with only limited light and outlook, via the rear door. Thus, whilst this would be a relatively spacious open plan living area, its layout and restricted outlook and natural light mean that it would fail to provide the well-designed, flexible and functional layout which DMD policies DMD8 and DMD9 seek to secure.

Pedestrian and highway safety

16. The forecourt areas of properties along this particular part of Great Cambridge Road are typically paved and used for the parking of vehicles. Given the nature of the terraced blocks that form the street, direct access from front to rear is limited and the storage of refuse bins at the front is not uncommon. In this respect, the appeal proposal would be no different.
17. There are no parking restrictions along the service road serving the properties and the Council accept that only one in-curtilage space would be acceptable. In the context of the mid-terrace property I agree that the available area at the front of the property is restricted. However, I am not persuaded that this area is insufficient for the parking of one vehicle, or for the provision of appropriate refuse storage of secure cycle parking whilst maintaining appropriate pedestrian access to the front of the property.
18. In any event, these matters are capable of being satisfactorily addressed by way of appropriately worded planning conditions and there would therefore be no conflict with LP policies 6.9 or 6.13 or DMD policy 45. With regard to the other policies cited by the Council in this respect, it seems to me that they are far broader in their aspirations and remit than for a proposal of the nature before me and they have not been determinative in my assessment of this matter.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR