
Appeal Decision

Site visit made on 22 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/Q5300/W/20/3247143

51 The Ridgeway, Enfield EN2 8PF

- 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 Mr Andrew Gelister, Kingbee Securities Ltd, against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/02373/FUL, dated 30 June 2019, was refused by notice dated 4 September 2019.
 - The development proposed is described on the planning application form as: Erection of single-storey rear extension, and conversion of existing dwelling into 6 self-contained flats comprising one 4 bedroom garden flat, two 2 bedroom flats, one 1 bedroom flat, and two studio flats, together with 6 car parking spaces, cycle parking, and refuse storage facilities.
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Procedural Matters

1. The appellant has submitted a Highways Technical Note and additional drawings that consist of amendments to the proposed car parking layout and swept path analyses for both the appeal site and the immediate neighbouring property number 49a Ridgeway. As appropriate parties such as the Council, Local Highway Authority and occupiers of No 49a, have not had the opportunity to comment on these documents, I consider such parties would be prejudiced if I were to accept the information at this stage. I have therefore not taken account of this information in reaching my decision.
2. The appellant has submitted a topographical survey drawing with the appeal which did not form part of the application (Ref 47101-001). I consider that no one would be prejudiced by me accepting the drawing at this stage. I have therefore made my decision taking the topographical survey into account.

Decision

3. The appeal is dismissed.

Main Issues

4. The main issues are:
 - whether the proposal would provide a suitable mix of accommodation types and sizes, having regard to local and national policy, and
 - whether the proposal would create any highway safety issues, with particular regard to the shared access with No 49a.

Reasons

Accommodation mix

5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination made under the planning Acts must be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for Enfield includes The Enfield Plan Core Strategy 2010-2025 (CS), which was adopted in 2010, and the Enfield Development Management Document (DMD), which was subsequently adopted in 2014.
6. Policy CP 5 of the CS seeks to ensure that new housing developments provide a range of housing sizes to meet the housing needs of the area. Over the lifetime of the CS the Council plan for the following mix:
 - Market housing – 20% 1 and 2 bed flats (1-3 persons), 15% 2 bed houses (4 persons), 45% 3 bed houses (5-6 persons) and 20% 4+ bed houses (6+ persons).
 - Social rented housing – 20% 1 and 2 bed units (1-3 persons), 20% 2 bed units (4 persons), 30% 3 bed units (5-6 persons) and 30% 4+ bed units (6+ persons).
7. I have not been provided with any details of residential development that has been undertaken in the area since the adoption of the CS. Consequently, I do not know what has been achieved to date as regards the targets.
8. Additionally, as noted by an Inspector colleague in an appeal on a different site in 2012 (APP/Q5300/A/11/2167238), Policy CP 5 recognises that it may not be necessary to conform to the overall mix on each individual site, as the mix could be achieved within the timescale across a range of sites.
9. The appellant contends that the proposal is solely a flatted development and as Policy CP 5 does not require 3 or 4 bed flats the proposal does not infringe this policy. However, a different interpretation of the policy is that, as it does not refer to 3 or 4 bed flats then none are required. As such, the proposal would not accord with the policy.
10. Since the determination of the appeal referred to, the Council has adopted the DMD, and Policy DMD 3 of this document states that a mix of different sized 'homes' should be provided in line with the targets in Policy CP5. With reference to residential developments of less than 10 units, the policy states that such developments are required to contribute to meeting the targets, by providing a mix of different sized 'homes', including 'family sized accommodation'. Additionally, the policy requires developers to take a design led approach to maximising the provision of family units (i.e. units of 3 beds +).
11. As there would be a mix of different sized 'homes', all-be-it a very limited mix, and a flat of 4 bedrooms would be 'family sized accommodation', then the proposal would satisfy these requirements of Policy DMD 3.
12. However, to my mind the proposal would not maximise the provision of family units. It is easy to see from the plans, for example, that the ground-floor could readily be designed to provide 2 x 3 bed units. Consequently, as the proposal

does not satisfy this requirement of Policy DMD 3, it does not accord with the policy in this regard.

13. In light of the above, and taking the policies together, I conclude that the proposal does not accord with aspects of policies CP 5 or DMD 3; consequently, the proposal does not accord with the development plan as a whole.

Highway safety

14. The site is located on a main road, the A1005. Contrary to the Council's understanding, it was evident from my site visit that there are 2 vehicle access points at the site. One is positioned fairly centrally within the front boundary, which provides access to a parking and turning area in front of the dwelling. The other is shared with number 49A The Ridgeway, which provides access to the garage at the side of the property. It is also the sole access/egress point to/from the parking and turning area in front of No 49A.
15. In order to provide enough space for car and cycle parking and space for vehicles to turn within the site, an existing boundary wall/hedge, which is positioned along part of the northern edge of the driveway that leads to the garage, would be removed. Consequently, the width of the access shared with No 49A would be reduced in size.
16. It is not clear from the plans/drawings submitted with the application whether the resultant width of the access would be wide enough to allow safe entry by vehicles into the site of No 49A. Given the extent of traffic likely to use the main road, particularly at peak periods, if the width of the resultant access was not wide enough, I consider it would be likely to cause a highway safety issue. Consequently, the proposal would not accord with policies DMD 46 and DMD 47 of the DMD, CP 25 of the CS or 6.13 of The London Plan-Consolidated with alterations since 2011 (March 2016). Collectively, these policies require development not to have an adverse impact on highway safety (for vehicle users, cyclists or pedestrians) or the flow of traffic on adjoining highway. The access also needs to be functional for all users, including service and delivery vehicles.

Other considerations

17. The appellant contends that there are various factors that weigh in favour of the proposal, i.e. the additional residential units that would contribute to the accommodation needs of the borough; the development would benefit from high quality internal and external space; the amenities of occupiers of neighbouring properties would be maintained, and the character and appearance of the area would be retained.
18. I acknowledge that the proposal would provide residential units that would contribute to meeting some of the residential development needs of the area. However, as this would be at the expense of providing units of a size required for family accommodation, I give limited weight to this aspect. With regards to the quality of the accommodation that would be provided and the fact that the proposal would not harm the living conditions of occupiers of neighbouring properties, or the character or appearance of the area, these are policy requirements anyway. As such, I do not attribute any weight to them.
19. Bearing the above factors in mind, the other considerations outlined do not overcome the harm I have identified.

Other Matters

20. As noted above, the appellant submitted additional information related to the shared access with 49A. As I am dismissing the appeal for a reason other than highway safety, it has not been necessary for me to consider whether the information demonstrates that a safe access would be achieved, or whether such details could be secured via a condition. Should I have not been dismissing the appeal for other reasons I would have requested relevant parties be given the opportunity to comment on the information.

Conclusion

21. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR