



Appeal Decision

Site Visit made on 20 October 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/Q5300/W/20/3254628

45 De Bohun Avenue, Southgate N14 4PU

- 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 and Mrs Callis against the decision of London Borough of Enfield.
 - The application Ref 20/00728/FUL, dated 28 February 2020, was refused by notice dated 6 May 2020.
 - The development is the conversion of single family dwelling house into 2 self-contained flats (2 x 2 bed) including rear dormer and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of single family dwelling house into 2 self-contained flats (2 x 2 bed) including rear dormer and single storey rear extension at 45 De Bohun Avenue, Southgate N14 4PU in accordance with the terms of the application, Ref 20/00728/FUL, dated 28 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 17546/13A, 17546/14B, 17546/15A and 17546/16.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The application was submitted part retrospectively and I saw at my site visit that the rear dormer and single-storey rear extension had been constructed. The property had also been divided into two flats, with the ground floor flat currently occupied. I have therefore considered the appeal on a part retrospective basis.

Main Issue

4. The main issues in the appeal are:
 - The effect of the development on the character and appearance of the host dwelling and surrounding area;
 - Whether the development would provide satisfactory living conditions for its future occupiers with regards to living accommodation; and

- Whether the development would meet the requirement in the area for family accommodation.

Reasons for the Recommendation

Character and Appearance

5. The appeal property is a two-storey semi-detached dwelling with a loft conversion, including a rear dormer, providing further residential accommodation within the roof, and a single storey rear extension. It is located within a residential area largely comprised of other semi-detached and detached properties, many of which have also been extended. The development divides the appeal property into two self-contained flats; one two-bedroom ground floor flat and one two-bedroom flat on the first and second floors. The rear garden would also be divided into two with access from the side of the property. The scheme also includes the rear dormer and single storey extension.
6. The Council have raised no concerns regarding the effect of the single storey rear extension or the conversion into two flats on the character and appearance of the area. Therefore, this part of the appeal will focus solely on the dormer.
7. The dormer is located on the rear of the property with limited visibility from the public realm. Therefore, it has little impact on the character and appearance of the streetscene. Moreover, it is similar to others in the area. However, the dormer is large in size, covering the majority of the roof slope and is a significant addition to the dwelling. Due to its size, it is an incongruous addition to the property appearing bulky and overly dominant in relation to the host dwelling.
8. Policy DMD13 of the Enfield Development Management Document (2014) states that dormers should be inset from the eaves, ridge and edges of the roof. The dormer is slightly inset from the eaves and ridge of the main dwelling though possibly by not as much as the policy requires. However, it does adjoin with the outer edge of the roof and this lack of set back means it is contrary to the stipulation in Policy DMD13.
9. Therefore, the proposed dormer harms the character and appearance of the host dwelling and surrounding area and is contrary to Policy CP30 of The Enfield Plan Core Strategy (2010) (the 'Core Strategy'), Policies DMD8, DMD13 and DMD37 of the Enfield Development Management Document (2014) (the 'DMD') and Policy 7.4 of The London Plan (2016). These policies collectively seek to provide high quality, design led development with an appropriate scale, bulk and massing.
10. However, it is noted that a lawful development certificate has been granted for the dormer as it complies with permitted development requirements. This fallback position should be given significant material weight and outweighs the harm identified previously, leading me to a conclusion other than in accordance with the development plan. Therefore, in this instance, the dormer would be considered acceptable.

Living Conditions

11. Table 3.3 within Policy 3.5 of The London Plan sets out the minimum space standard for all new dwellings. It states that a 2-bedroom 3-person dwelling on

one floor should be a minimum of 61m² and that a 2-bedroom 3-person dwelling across two floors should be a minimum of 70m². The appellant has shown, on the submitted plan, that the ground floor flat would be 61.4m² and the upper floor flat would be 75.1m² and so would be in accordance with these requirements.

12. The Council have stated that the ground floor flat is only 57m² and so would be below the minimum space standards. It is noted that the Council have stated in their report that the gross internal area (GIA) does not include staircases, communal areas and any other area which is incapable of practical use. However, Table 3.3 indicates that the GIA of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose a dwelling, including flights of stairs and cupboards. As such, the Council's figure is incorrect. Indeed, from the plans, no part of the flat that has been included in the floor area calculation should not be included.
13. From the figures detailed on the plans, the proposal would meet minimum space standards, would not result in substandard and cramped accommodation and would provide satisfactory living conditions for its future occupiers. Therefore, it would not be contrary to Policies DMD5 and DMD8 of the DMD, CP4 of the Core Strategy or Policy 3.5 of The London Plan which require new dwellings, including residential conversions, to meet internal floor space standards and provide a high quality of design.
14. Policies DMD3 and DMD4 of the DMD, Policies CP2, CP5 and CP30 of the Core Strategy and Policies 3.3 and 7.4 of The London Plan have also been included within the reason for refusal relating to living conditions. However, these policies relate to providing a mix of different sized homes, the loss of residential units, increasing housing supply and the quality of the built environment and are not relevant to this section of the appeal.

Family Accommodation

15. Policy DMD5 states that for the conversion of existing family units into self-contained flats, compensatory provision for family accommodation (3 bedrooms +) should be provided within the development. As the proposal would provide two two-bedroom flats and no accommodation with three or more bedrooms, it would not meet this requirement. It is noted that the Council have stated that there is a need for large family size residential accommodation and an oversupply of smaller single person accommodation.
16. However, as there are two bedrooms in each flat, both flats could still be occupied by small families thereby still providing family accommodation. Also, Policy CP5 states that 20% of market housing should be 1-2 bedroom flats and therefore the proposed would still meet a demand, and could provide accommodation for two small families. Moreover, though only a consultation document, the Council's more recent Issues and Options document (December 2018) identified that two-bedroom units should be acknowledged as helping to cater for the needs of families.
17. The Council have raised issue with the amenity space for the upper floor flat not being directly accessible from the dwelling. However, this is not specifically required by any policy in the development plan. The amenity space for both flats is sufficient in size and, although not directly accessible from the upper

flat, is in close proximity, is reasonably accessible and provides suitable outdoor space for the occupiers of the property.

18. Consequently, although it would not specifically accord with Policy DMD5, the proposed development would still meet a requirement in the area for family accommodation and would not be contrary to Policies DMD3, DMD4 and DMD8 of the DMD or Policy CP5 of the Core Strategy. The relevant sections of these policies seek to provide a mix of different sized homes to meet the housing need, prevent the loss of family homes and provide high quality amenity space for new residential development.

Other Matters

19. Concerns have been raised by third parties regarding the precedent to convert other dwellings in this area into flats, including Nos. 23, 25 and 43. However, each proposal should be considered on its own merits in accordance with the requirements of the development plan. Therefore, it is not considered that allowing this appeal would set an unacceptable precedent.
20. It has also been highlighted that the appellant converted the property without first gaining planning permission, that the drawings are contrived to meet the standards, and thereby they have manipulated the planning system. The appellant accepts that the proposal is part-retrospective and I can only consider the proposal on the basis of the drawings before me. The suggestion of imposing financial penalties for successful appeals are not part of the planning system.

Conditions

21. No conditions have been suggested by the Council. However, a condition has been included to ensure that the development is carried out in accordance with the plans, as this provides certainty. As the development is part-retrospective, a condition relating to the commencement of development has not been included.

Conclusions, and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR