



Appeal Decision

Site Visit made on 5 January 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th January 2021

Appeal Ref: APP/Q5300/W/20/3258602

4 Chase Side, Enfield, EN2 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr & Mrs M/J Waller & Mr & Mrs J/J Page against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/01601/PRJ, dated 20 May 2020, was refused by notice dated 24 July 2020.
 - The development proposed is conversion of first & second floor offices (with ground floor entrance) to residential.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 3, Class O of the Town and Country (General Permitted Development) (England) Order 2015 (GPDO) sets out that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices), to a use falling within Class C3 (dwelling houses) is permitted subject to various limitations and conditions.
3. There is no dispute that the appeal site currently constitutes a Class B1(a) use and as such the appeal proposal constitutes permitted development for the purposes of Class O of the GPDO.
4. Under the provisions of the GPDO, development is permitted under Part 3, Schedule 2, Class O subject to Condition O.2(1) that, before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to a range of potential issues. In this case, it relates to the transport and highway impacts of the proposed development and impacts of noise from commercial premises on the intended occupiers of the development.
5. Having regard to the GPDO and the reasons for refusal for the Prior Approval the main issues are the effect of the development on:
 - transport and highway matters; and
 - the living conditions of future residents, with particular regard to noise and disturbance.

Reasons

Transport and Highway Matters

6. Paragraph O.2 states that development under Class O is permitted subject to a number of requirements, including at Paragraph O.2 (a) transport and highway impacts of the development. The proposed development would not benefit from any parking on site with cycle storage provided within the ground floor hallway which provides access to the flats on the upper levels. The site has a Public Transport Accessibility Level (PTAL) rating of 4, which indicates good access to frequent public transport services. The site's good PTAL rating is a strong indication that it is well related to services and facilities and public transport.
7. Policy DMD45 of the Improving Enfield Development Management Document 2014 (DMD) states that for sites within existing controlled parking zones residents may be prohibited from obtaining a parking permit, where demand for on street space is already high and would be worsened by the development proposal and that this will be secured by a legal agreement. No such legal agreement has been secured.
8. I have not been provided with any detailed information in respect of car parking demand in Chase Side and surrounding streets, which are within controlled parking zones where parking spaces for most of the week are only available to permit holders. However, the existing use of the upper floors for B1 office use would also likely to generate some demand for parking and it has not been demonstrated that the proposed development would increase that demand, furthermore the Council does have control over issuing permits. As such, in this instance the proposed development would not significantly impact on demand for on-street parking and future occupiers of the proposed dwellings would have options other than the private motor car. Therefore, in this instance the lack of parking would be acceptable provided that appropriate cycle parking could be provided.
9. In respect of cycle parking for the proposed development, the London Plan cycle parking standards require a minimum of 4 secure cycle spaces to be provided and the submitted plans indicate that a cycle stand would be provided under the stairway within the hallway. In order to gain access to the cycle spaces occupiers would need to pass through the ground floor entrance.
10. The London Cycling Design Standards require residential cycle parking serving all types of homes to be well located, close to the entrance to the property and avoiding obstacles such as stairs, multiple doors and narrow doorways. They should also be secure, with access for residents only and with stands/racks allowing both the frame and at least one wheel to be secured.
11. The proposed cycle storage does not meet the requirements of the London Cycling Design Standards and in particular the need to access the cycle rack through the front door and narrow hallway would make it less convenient for cyclists and would be unlikely to encourage occupants to cycle, as is the intention of the London Plan.
12. In addition to this the position of the cycle rack would have limited surveillance by occupiers of the flats above and insufficient evidence has been submitted to

demonstrate that the cycle rack would enable both the frame and at least one wheel to be secured. These factors in combination with the less than convenient location, lead me to conclude that the provision of cycle storage is inappropriate.

13. Whilst the cycle rack has been used previously by employees of the existing offices this does not lead me to conclude that it would be suitable for future occupiers of the proposed development. In particular the need for surveillance would not be necessary to the same degree when the cycle storage was in use by employees of the same business, rather than occupiers of separate flats and it would be unlikely that the cycles would be left overnight.
14. I note that there is some difference between the parties as to whether 3 or 4 cycle spaces are required, however as I have considered that the overall standard of the cycle storage proposed is unsatisfactory, it has not been necessary for me to consider this matter further.
15. Paragraph 102 of the National Planning Policy Framework (the Framework) requires development proposals to take opportunities to promote walking, cycling and public transport use and at paragraph 104 d that planning policies should support facilities such as cycle parking. Therefore, I consider that the lack of appropriate cycle storage would be contrary to the provisions of the Framework, which promotes sustainable transport.
16. In conclusion, noting the scale of the dwellings proposed and the proximity of the site to public transport options, I consider that whilst the lack of on-site parking would not be detrimental to highway or pedestrian safety, the proposal fails to provide adequate cycle storage. This would undermine cycling, walking and public transport use and lead to transport impacts which would be contrary to the provisions of the Framework. It therefore conflicts with paragraph O.2(1) (a) of the GPDO.

Noise and Disturbance

17. The Council's third reason for refusal states that the proposed development has failed to demonstrate that the proposed use would not harm the amenity of any surrounding occupiers or neighbours and has suggested that an acoustic noise report would be required in order to address this point.
18. However, the requirements of the GPDO at O.2(1)(d) set out that the developer must apply for a determination as to whether the prior approval of the authority will be required as to impacts of noise from commercial premises on the intended occupiers of the development.
19. The site is located within a predominately residential area, however the existing ground floor would remain in commercial use as an office and there is an existing antique shop at 6 Chase Side. The existing residential uses will already place restraints on the operation of the B1 office in order to protect existing residents from noise and disturbance. This situation will endure for future residents of the proposed dwellings. Moreover, I have also not been provided with any evidence to suggest that the uses within the existing office or the antique shop are particularly noisy or have proved unsatisfactory to existing residents.

20. The development would provide suitable living conditions for future occupiers with particular regard to noise and disturbance in accordance with Policy CP32 of The Enfield Plan Core Strategy 2010-2025 adopted November 2010 (CS) which seeks to ensure that noise is minimised and Policy DMD68 of the DMD which states that development must be designed to reduce exposure to noise.

21. Therefore, none of the matters set out at Paragraph O.2 (d) in the context of this appeal indicate that prior approval should be withheld.

Conclusion

22. For the reasons given above, notwithstanding my findings on the impacts of noise from commercial premises on the intended occupiers of the development, the appeal is dismissed in the context of Paragraph O.2(1)(a) transport impacts of the development.

G Pannell

INSPECTOR