
Appeal Decision

Site visit made on 21 January 2021

by Baljit K Muston BA(Hons) PGDip MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/Q5300/W/20/3255680
219-221 Hertford Road, Enfield EN3 5JH

- 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 K Kaya of Novela Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03563/FUL, dated 22 October 2019, was refused by notice dated 10 January 2020.
 - The development was originally described as a Two Storey Rear Extension with 1 x 1 Bedroom self-contained Flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development was described on the application form as set out in the heading above. This was amended by the Council, to "*Part single part two storey extension at a first-floor level to create 1no. x 1-bedroom (2-person) self-contained flat.*". This is also the description used by the appellant on his appeal form, and more accurately describes the proposal. I have therefore used this amended description as the basis for my decision.

Main Issues

3. The main issues are:-
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the development would provide acceptable living conditions for the occupants of the proposed flat, with particular regard to the provision of private external amenity space, outlook, refuse storage, and cycle parking.

Reasons

Character and appearance

4. The appeal site is located within a commercial centre and comprises development at first and second floor to the rear of a four storey (including rooms in the roof) building of considerable character on the eastern side of Hertford Road. The appeal property is set on the back edge of the pavement,

whilst to the north a more modern two storey flat roofed block is set back behind a parking area. As a result, the whole of the side elevation of the original building of No 219 is prominent in views down Hertford Road from the north.

5. At present, a small portion of the existing development at first floor level projects awkwardly forward of the main northern side elevation of No 219. The appeal proposal would involve building an additional floor on top of this projecting section. The result would be an incongruous and unduly prominent addition to the building, which would significantly increase the awkwardness of the relationship between the main building and the extensions to the rear. It would also, as argued by the Council, unbalance the symmetry of the northern elevation of the appeal building.
6. The appeal proposal would not be readily visible from any other public viewpoint. However, the impact on the appeal site when viewed from the north would cause unacceptable harm to the street scene. I therefore conclude that the proposed development would have an unacceptably adverse effect on the character and appearance of the area, contrary to Policies 7.4 and 7.6 of the London Plan, Core Policy 30 of the Core Strategy (2010) (CS), and Policy DMD 37 of the Enfield Council Development Management Document (2014) (DMD). These policies seek development that, amongst other things, has regard to the form, function and structure of an area, has a scale, form, materials and design appropriate to its context, and reinforces a place's identity.

Living conditions

7. Core Policy 4 of the CS says that high quality design and sustainability will be required for all new homes. Policy DMD 8 of the DMD seeks high quality amenity space in new residential development, whilst Policy DMD 9 introduces a requirement for *"good quality private amenity space that is not significantly overlooked by surrounding development"*.
8. The Mayor of London has also produced Supplementary Planning Guidance on Housing (2016) (SPG). This sets out in Standard 21 a requirement for cycle storage, in locations that, amongst other things, have *"convenient access to the street"*. Standard 22 of the SPG requires communal refuse and recycling stores to be *"easily accessible to all residents"*, whilst Standard 26 deals with private open space, and says that *"a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings"*. Standard 29 requires developments to minimise the number of single aspect dwellings.
9. The appeal proposal would introduce an additional one-bedroomed unit over two floors to the rear of the main frontage building. It would have access to an open area on the roof of the ground floor building below, described on the submitted plans as *"communal amenity space"*. This would be shared with the other units that open onto this space or are within the upper floors of the main building. However, no provision is made for private amenity space, contrary to advice in the SPG.
10. The appellant argues that the flat is not suitable for families and that there are several public open spaces within a short distance of the appeal site. However, whilst this reduces the impact of the poor quality of the communal space (being an area on a roof overlooked by many windows to habitable rooms), it does not negate the desirability of providing at least some private amenity space.

11. The submitted plans show a space for the storage of bicycles at first floor level on the roof, and I noted some bicycles on site during my site visit. However, as the Council says, this location does not provide convenient access to the street, being a considerable distance from the entrance to the flats, and requiring the negotiation of flights of stairs. It would not deliver an incentive for occupiers to make regular use of bicycles for travel.
12. The appellant proposes that occupiers of the new flat would use the existing small refuse storage area to the rear of the ground floor of the appeal site. This area is physically very remote from the proposed new flat. I appreciate that it must already be accessed by occupiers of the existing flats on site. However, this is not a good reason for allowing a further flat to be constructed, and expect its occupants to also use a communal refuse and recycling store that is far from being "*easily accessible to all residents*", as required by the SPG.
13. The proposed flat would not be single aspect, as the first floor bedroom window would face in a different direction from those in the floor below. However, the outlook from these windows, particularly those lighting the living room/kitchen, would have a poor quality of outlook over the communal amenity space on the roof. In addition, occupiers of the proposed flat would be directly overlooked in their main living space by any occupiers of other flats using the communal amenity space. The occupiers of the proposed new flat would also have a direct view into the living area of another flat, and the bedroom of a further unit, when using that communal space.
14. Overall, the proposed additional flat on the appeal site would provide seriously substandard accommodation, that would fail to meet the standards of the SPG, as set out above, in a number of ways. I conclude that the proposal would not provide acceptable living conditions for the occupants of the proposed flat, contrary to Core Policy 4 of the CS, Policies DMD 8 and DMD 9 of the DMD and advice contained within the SPG.

Planning balance and conclusion

15. The appellant has pointed out that the proposal would provide an additional dwelling in a sustainable location. This factor weighs in favour of the appeal proposal. However, from the evidence before me, I conclude that these benefits are outweighed by the harms that I have identified. For the reasons set out above, I conclude that the appeal should be dismissed.

Baljit K Muston

INSPECTOR