



Appeal Decision

Site Visit made on 17 February 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2021

Appeal Ref: APP/Q5300/W/20/3260094

191A Bowes Road, London N11 2HN

- 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 Michael Byrne against the decision of London Borough of Enfield.
 - The application Ref 19/03317/FUL, dated 25 September 2019, was refused by notice dated 17 June 2020.
 - The development proposed is conversion of the existing loft above flat A to a flat including 2 rear dormers, new gable to side elevation and 4 no. rooflights together with internal alterations to first floor flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of development has not changed. However, a different wording to that given on the original application has been entered. Neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the development on (i) the living conditions of future occupants, with particular regard to indoor space, and (ii) the character and appearance of the area.

Reasons

Living Conditions

4. The submitted plans demonstrate that the proposed loft flat would meet the requirements of the Nationally Described Space Standards (NDSS), both in terms of the overall floorspace available and ceiling heights. The latter requires a ceiling height of 2.3 metres for at least 75% of the Gross Internal Area (GIA). Around 80% of the living area would be at or above 2.3 metres. This weighs in favour of the development. Nevertheless, meeting the NDSS is not the end of the matter when considering whether a satisfactory living environment would be created.
5. The wc/shower room and kitchen would be located within the existing and proposed gable features respectively. The plans indicate that significant proportions of these rooms would be below the 2.3 metre requirement. I

- acknowledge that the NDSS does not require all the GIA to be at this height. Furthermore, there may be parts of these rooms which are below this height which would still be usable to an extent. Nevertheless, the roof profile of the building would be complex, and these two rooms would be subject to steeply sloping ceilings in places. This would inevitably result in some constraints.
6. This is particularly the case in the kitchen, where there would be several different sloping roof elements affecting the space in the room. Much of the highest part of the kitchen would also be taken up by the sink and work surfaces. This would leave only a small area of circulation space at the taller height. This would create an unacceptably cramped and constrained environment that would tangibly diminish the enjoyment of the flat by future occupants. I am not persuaded by the evidence before me that this would result in an acceptable standard of accommodation.
 7. Only a relatively narrow strip of the corridor leading to the wc/shower room would be at or above 2.3 metres in height. The corridor would be relatively short, but the room itself would still suffer from the same constraints. The plans suggest that the sink and toilet would be under the eaves of the gable. This could affect the functionality and comfort of their use. In any event, it is likely that this relatively small room would feel even more enclosed and uncomfortable as a result of the limitations of the space. While not classed as a habitable room, this would be another unduly cramped and confined area that would be detrimental to living conditions in the long term. This therefore adds to my cumulative concerns regarding the layout of the flat.
 8. In coming to my decision, I have had regard to the appellant's comments relating to the wording of the reason for refusal and the Council's approach to the consideration of the NDSS. I consider it clear that the Council were not objecting to extensions or habitable rooms in roof spaces in principle, but rather the specific implications of this proposal. Furthermore, I see no fault in the Council's approach to the NDSS. While the appellant might object to how the officer report is phrased, it is clearly correct for the Council to consider factors other than the NDSS in determining whether the layout would be satisfactory.
 9. Based on the evidence before me, I therefore find that while the quantitative requirements of the NDSS would be met, the specific layout and constraints of the flat would have an unacceptable impact on the living conditions of future occupants. Accordingly, there would be conflict with London Plan (2016) Policy 3.5, Enfield Core Strategy (ECS) (2010) Policy CP4 and Enfield Development Management Document (EDMD) (2014) Policy DMD8. Amongst other things, these policies seek to ensure that development provides adequately sized rooms which are functional and fit for purpose and provide a well-designed and functional layout.
 10. London Plan Policy 7.4 and ECS Policy CP30 do not appear to relate to internal space or living conditions and thus have no relevance to this main issue.

Character and appearance

11. The proposed gable would be wider than those on neighbouring buildings. It would also have a more decorative and vertical front elevation compared to the plain and gently sloping character of its neighbours. However, the appearance of the commercial use on the ground floor, the fenestration, the size and shape

of the bay and the roof profile all already differ to those of the neighbouring buildings. It is therefore clear that the appeal building is of a different design, character and appearance to other dwellings on the terrace.

12. On this basis, that the proposed gable would be of a different size or appearance would not result in material harm to the existing character, rhythm, grain or balance of the terrace. The different, but complementary, appearances of the terrace buildings would remain intact and the character and pattern of development along Bowes Road would be largely unaffected.
13. Gables also clearly form part of the character of the area. However, there is no homogeneity in their design in the immediate area. The proposal would be reminiscent of the designs of similar features on Warwick Road and on the opposite side of Bowes Road and would thus appear as a sympathetic addition to the street scene. The inclusion of a window in the front elevation would not be an unduly intrusive or incongruous feature in this context.
14. The Council raised no objections to other aspects of the proposal, including the dormer windows. I have seen nothing that would lead me to a different conclusion.
15. I therefore find that the development would not result in unacceptable harm to the character and appearance of the area. In this regard, there would be no conflict with policies 7.4 or 7.6 of the London Plan, Policy CP30 of the ECS or policies DMD8, DMD13 and DMD37 of the EDM. These seek, amongst other things, to ensure development is of a high-quality design that has regard to the character of the surrounding area.

Other Matters

16. The development would provide additional housing and make efficient use of the building in a sustainable location. However, while the development would provide moderate economic, social and environmental benefits in this regard, there is nothing to suggest that these should be achieved at the cost of a satisfactory living environment. Moreover, there is also nothing to suggest that similar benefits could not be achieved without the associated harm to living conditions. These benefits do not therefore outweigh my concerns.
17. I acknowledge that no objections were raised by the Council regarding the first floor flat or in relation to any other planning matter not considered above. Nevertheless, a lack of harm is neutral and weighs neither for nor against the development. Similarly, my findings on character and appearance do not outweigh the harm identified.
18. The appellant has raised concerns about the handling of the application by the Council. This is a matter between the parties and is outside the scope of the appeal. I note the appellant sought to amend an earlier scheme to address the Council's concerns. However, I have considered the proposal before me on its own merits and this does not lead me to a different conclusion.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

S J Lee INSPECTOR