The Planning Inspectorate

Appeal Decision

Site visit made on 4 February 2021

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Appeal Ref: APP/Q5300/W/20/3260018
74 Holmwood Road, London EN3 6QH

- 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 Dr Joe Okoli against the decision of the Council of the London Borough of Enfield.
- The application Ref 20/01975/FUL, dated 29 June 2020, was refused by notice dated 21 August 2020.
- The development proposed is conversion to 2 flats.

Decision

1. The appeal is dismissed.

Procedural Matter

2. During the determination of the appeal it was drawn to my attention that the London Plan 2021 had been published by the Mayor. I gave the parties an opportunity to comment on the significance of this for the appeal and have considered any comments received in my determination of it.

Main Issues

3. The main issues in this appeal are:

    - Whether the proposal would provide suitable compensatory family accommodation.
    - The effect of the proposal on the living conditions of the occupiers of No. 76 Holmwood Road, with particular regard to outlook and light.

Reasons

Family accommodation

4. The dispute here is essentially the quality and suitability of the accommodation for family occupation. Policy DMD5 of the Development Management Document 2014 ('DMD') deals with such conversions. The Council do not object in principle but paragraph 2.3.8 of the justification and guidance on implementation states that for the purposes of this policy compensatory family housing is housing providing 3 or more bedrooms '*…with direct, ground floor access to dedicated amenity space'*.

5. By the appellant's own admission, the layout is '*somewhat awkward by virtue of there being a reception room isolated at ground floor level'*. I agree and take

'*direct*' in its ordinary and plain meaning to be moving from one place to another without changing direction or stopping and without intervening factors.

6. Access from the family accommodation to the garden would be via the front door, out into and across the small front garden area and down the enclosed side access. Whilst a future occupier might not have to leave the front garden, this area is easily accessed from the street and access would be via a narrow and enclosed passageway. This area would also be shared with the entrance to the ground floor flat and its garden along with bin and cycle storage areas. Although in excess of the space requirement, there would also be some restricted natural surveillance of the garden area from the family accommodation.

7. Overall, I find such an arrangement would not be suitable for occupation by a family who may have children of an age who need direct and safe access to private outdoor amenity space. There is nothing substantive before me to demonstrate this is the only layout possible, viable or practical and the proposal would not be a high-quality form of compensatory family accommodation.

8. For these reasons, the proposal would fail to provide suitable compensatory family accommodation. It would therefore conflict with Policies CP4 and CP5 of the Enfield Core Strategy 2010 ('the CS'), Policies DMD5 and DMD8 of the Improving Enfield Development Management Document 2014 ('the DMD') and Policy H10 of the London Plan 2021. When taken as a whole and amongst other things, these seek to ensure that new developments offer a range of housing sizes to meet identified housing need and for the conversion of existing family units into self-contained flats, compensatory provision for family accommodation is provided and is of a high quality design with a well-designed, functional layout.

Living conditions

9. The attached property of No. 76 contains a glazed double door in the ground floor rear elevation sited close to the side boundary with the appeal site. This appeared to serve living accommodation with direct access onto a small patio area and the rear garden.

10. At a depth of approximately 3.5 metres and despite being designed with a mono-pitched roof, the combination of the height, depth, and siting of the proposal, would result in the eye being unacceptably drawn to it from that accommodation and patio area. In this particular case such an extension would be visually intrusive and overbearing.

11. I do not necessarily disagree with the appellant's consideration of light effects but in my view the resulting light to those areas would be significantly reduced. Even having regard to a secondary north facing window onto No.78, the proposal would ultimately make these spaces evidently less attractive areas to spend time. In this regard the proposal would not therefore be a high quality of design.

12. For these reasons, the proposal would cause harm to the living conditions of the occupiers of No. 76, in terms of outlook and loss of light. It would therefore conflict with Policies CP4 and CP30 of the CS and Policy DMD11 of the DMD insofar as they require a high quality and design led approach having special

regard to its context. Further, that residential extensions will only be permitted where there is no impact on the amenities of neighbouring properties, no adverse visual impact and that single storey extensions must not exceed 3 metres in depth on a semi-detached property.

Other Matters

13. I acknowledge that there appear to be other converted properties in the street and locality. However, the Council do not object to the principle of the conversion and there is nothing substantive before me to indicate those properties have a comparable layout. Whilst there may well be other properties where similar extensions have taken place, I have not been provided with the full details and in any event each case must also be determined on its own planning merits.

14. In reaching this view I have also considered the fallback position for a single storey extension but by the appellant's own admission such an extension would be restricted to 3 metres in depth. Those rights do only relate to dwellinghouses but in any event the additional depth of the extension before me and in such a context, would result in materially greater effects.

15. Whether a much larger extension could be erected would be subject to a prior approval procedure with consideration of effects on neighbours. It should not be assumed therefore that a different type of scheme submitted under that procedure would result in a lack of objection from neighbouring occupiers in the future.

16. Pre-application advice was given by the Council and this proposal is a resubmission of an earlier scheme. Nevertheless, the Council's decision was ultimately to refuse planning permission, I am not bound by that earlier advice and must form my own view. Having done so, none of these other considerations, on their own or in combination, outweigh the harm I have identified or alter my views.

Conclusion

17. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the National Planning Policy Framework do not indicate that a decision should be made other than in accordance with that plan.

18. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR