



Appeal Decision

Site visit made on 25 February 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021.

Appeal Ref: APP/Q5300/D/20/3260578

36 Monmouth Road, Edmonton, London N9 0LR

- 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 Munir Tatar against the decision of the Council of the London Borough of Enfield.
The application Ref 20/01321/FUL, dated 28 April 2020, was refused by notice dated 15 July 2020.
 - The development proposed is conversion of single family house into 2 self-contained dwellings consisting of 1 x 3 bed and 1 x 1 bed maisonettes.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of single family house into 2 self-contained dwellings consisting of 1 x 3 bed and 1 x 1 bed maisonette at 36 Monmouth Road, Edmonton, London N9 0LR in accordance with the terms of the application, 20/01321/FUL, dated 28 April 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 20200415-PL05 revision R00 and 20200415-PL06 revision R00.
 - 3) The development shall not be occupied until refuse/recycling storage and secured, undercover cycle parking facilities and have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings are to include the position, design and materials. The approved details shall be installed and permanently retained.
 - 4) The development shall not be occupied until details of the private outdoor shared space have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings are to include screening for the ground floor bedroom window facing into the outside space on unit 1. The approved details shall be installed and permanently retained.
 - 5) The development shall not be occupied until details of measures to achieve 'Very Good' rating under BREEAM Domestic Refurbishments standards have been submitted to and approved in writing by the Local

Planning Authority. The approved details shall be installed and permanently retained.

Application for costs

2. An application for costs was made by Mr Munir Tatar against the Council of the London Borough of Enfield. This application is the subject of a separate Decision.

Procedural Matter

3. The Council altered the description of development, this is also the description used by the Appellant on the appeal form. However, I understand that the Appellant did not agree to the change in description of development. I understand that the property has been converted to 2 self-contained dwellings without planning permission, however the layout of the existing dwellings is different to that before me. I have modified the description of development given on the application form to more accurately describe the appeal proposal. Accordingly, I have adopted an amended description in the heading above rather than the Appellant or Councils description of development.
4. I understand that an Enforcement Notice has been served on the Appellant with regard to the existing use of the property. The proposed development before me is different from the existing internal arrangement to which the Enforcement Notice applies. The enforcement process is a separate matter and I will base my decision on the merits of the proposed development before me.
5. The Appellant has submitted a proposed block plan detailing cycle and refuse storage facilities. I understand that this plan was not considered by the Council and does not appear to have been subject to public consultation through the application process. I have considered the appeal on the basis of the plans submitted during the original application.
6. Since the submission of the appeal the London Plan 2021 has been published. The Council's reason for refusal includes policies within the London Plan 2016. The London Plan 2021 does not diverge significantly from the previous plan in terms of seeking to create a balanced housing supply, achieve adequate living accommodation and encouraging sustainable development. No party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

7. The main issues in this case are:
 - (i) the effect of the proposed development on the balance of family sized housing within the Borough;
 - (ii) the effect of the proposed development on the living conditions of future occupants of the proposed development;
 - (iii) whether the proposed development would provide adequate cycle and refuse/recycling storage facilities; and
 - (iv) the effect of the proposed development on contributing to reducing the causes and effects of climate change.

Reasons

Family sized housing

8. The Council have confirmed that the appeal property has been converted into flats without planning permission and that before conversion the property was a family sized dwelling, the Appellant has not disputed this.
9. Policy DMD5(2) of the Enfield Development Management Document (2014) (the DMD) seeks proposals involving the conversion of existing family units into flats to provide compensatory family accommodation (3 bedrooms +) within the development.
10. The proposed development comprises 1 x 1 bedroom maisonette with living accommodation set out over the first and second floor, and 1 x 3 bedroom maisonette with living accommodation set out over the ground and first floor.
11. The proposed development would result in the loss of a single family sized dwelling, however compensatory provision for family accommodation is proposed within the development.
12. I conclude that the proposed development would not harm the balance of family sized housing within the Borough. There is no conflict with Policies CP4 and CP5 of The Enfield Plan, Core Strategy 2010-2025 (2010) (the Core Strategy), Policies DMD3 and DMD5 of the DMD and the London Plan 2021 (the London Plan) which amongst other things seeks to ensure a balanced housing supply.
13. There is no conflict with the National Planning Policy Framework (2019) (the Framework) which seeks to ensure housing provision reflects local housing need.
14. The first reason for refusal contends that there would be conflict with Policy CP30 of the Core Strategy. However, I consider that not to be the case, Policy CP30 concerns the design quality of new development this policy does not appear to be directly related to the balance of family sized housing within the Borough.

Living conditions

15. According to the plans submitted the development proposes 1x3 bedroom maisonette (unit 1) and 1x1 bedroom maisonette (unit 2) both set out with living accommodation over 2 floors. London Plan Policy D6 and table 3.1 set out space standards relating to new dwellings.
16. Based on the plans provided unit 1 would provide an overall Gross Internal Floor Area (GIA) of 84.57sqm. The 3 bedrooms proposed within unit 1 would provide 1 x 1 two bedspace double bedroom, and 2 x 2 one bedspace single bedroom based on the dimensions shown on the submitted plan and when assessed against the requirements of the London Plan. Although it is acknowledged that the third bedroom on the first floor indicates a double bed could be provided within the room. The London Plan and the National Described Space Standards (2015) (the NDSS) require a 3 bedroom, 4 person, 2 storey dwelling to provide 84sqm GIA.

17. Unit 2 proposes an overall GIA of 66.27sqm, the London Plan sets out a requirement for a 1 bedroom, 2 person, 2 storey dwelling to have a minimum of 58 sqm.
18. The Council have suggested that there are discrepancies between the proposed development and a previously refused scheme, and that the GIA is less than detailed on the plans however substantive evidence has not been provided demonstrating this.
19. A shared outdoor space would be available for both units, however unit 2 would be required to access the space via an external side gate. A bedroom window for unit 1 is close to the existing side gate, however a planning condition could be attached to an approval to provide appropriate access and screening to ensure that adequate privacy would be provided to the occupants of unit 1.
20. I conclude that the space standards within the development are acceptable and would not harm the living conditions of the future occupants of the proposed development. There is no conflict with Policy CP4, CP5 and CP30 of the Core Strategy, Policies DMD3, DMD5, DMD6, DMD8 and DMD9 of the DMD, Policy D6 of the London Plan and the NDSS which amongst other things seek to protect the living conditions of residents.
21. There is no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.
22. The second reason for refusal contends that there would be conflict with Policy CP4 of the Core Strategy. However, I consider that not to be the case, Policy CP4 relates to assessing applications of housing to meet particular needs this policy does not appear to be directly related to the proposal before me.

Storage Facilities

23. During my site visit I observed that there was ample space to accommodate cycle, refuse and recycling storage facilities within the outdoor area. This can be controlled by the imposition of a planning condition.
24. I conclude that the proposed development would provide adequate cycle and refuse/recycling storage facilities. There is no conflict with Policy CP25 of the Core Strategy, Policy DMD47 of the DMD, the Enfield Council, Waste and Recycling Storage Planning Guidance (Last reviewed: March 2020) and the London Plan which amongst other things seeks to promote cycling and ensure developments have adequate provision for cycle storage and refuse/recycling receptacles.
25. There is no conflict with the Framework which seeks to promote sustainable transport modes and ensure places function well.

Climate Change

26. Core Strategy Policies CP20 and CP21 seek to ensure all new developments, and where possible via retrofitting processing existing developments address the causes and effects of climate change by minimising energy usage; supplying energy efficiently; using energy generated from renewable sources, promote water conservation and reducing carbon emissions.
27. Policy DMD49 of the DMD requires a Sustainable Design and Construction Statement to accompany all planning applications, from the evidence before

me such a statement has not been received. Policy DMD49 of the DMD amongst other policies does have regard to technical feasibility and economic viability of the requirement to include measures capable of mitigating and adapting to climate change.

28. Policy DMD50 of the DMD requires proposals for residential refurbishments and conversions to exceed a 'Very Good' rating under BREEAM Domestic Refurbishments standards, or their equivalent rating/schemes. Undoubtedly the retrofitting of existing buildings to include sustainability measures which contribute to reducing the causes and effects of climate change is extremely beneficial. However, I have not been provided with substantive evidence to suggest why this could not be secured, as appropriate via a planning condition.
29. I conclude that the proposed development would contribute to reducing the causes and effects of climate change. The proposal would not conflict with Policies CP20 and CP21 of the Core Strategy, Policies DMD49, DMD50, DMD51 and DMD53 of the DMD, the London Plan which seek to promote sustainable development, energy efficiency and reduction of carbon emissions.
30. There is no conflict with the Framework which encourages developments to meet the challenges of climate change.

Other Issues

31. Reference has been made by a third party to the potential for increased noise, social disturbance and increased parking pressures, the Council considered these issues in the determination of the application and did not raise concern, I have no substantive reason to disagree with them on these points.
32. Reference has also been made to the financial gains which could be made from the proposed development. That is not a land use planning consideration and is therefore a matter that I cannot take into account.

Conclusion

33. I have considered the need for the imposition of the conditions suggested by the Council having regard to the national policy and guidance. Apart from the standard time limit condition, I find it necessary that the development should be implemented to accord with the submitted plans for certainty.
34. In order to ensure that the development would promote sustainable transport options and be an appropriate form of development I have imposed a condition requiring the provision of appropriate cycle and refuse/recycling storage facilities.
35. To safeguard the living conditions of the occupiers of the development I consider it necessary to impose a condition requiring details of the shared private outside space.
36. For the reasons given above I conclude that the appeal should be allowed.

C Pipe

INSPECTOR