
Appeal Decision

Site visit made on 21 June 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/Q5300/W/21/3266515
225 Whittington Road, Southgate N22 8YW

- 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 & Mrs Michael & Diane Julie Christodoulou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01366/FUL, dated 9 April 2019, was refused by notice dated 23 July 2020.
 - The development proposed is conversion of rear ground floor to a self-contained flat.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of rear ground floor to a self-contained flat at 225 Whittington Road, Southgate N22 8YW in accordance with the terms of the application Ref 19/01366/FUL, dated 9 April 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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, WR225/19/FP/01, WR225/19/FP/02, WR225/19/FP/03 REV A & WR225/19/FP/04.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. I am unsure as to whether the revised description has been agreed. The proposal also includes a first-floor balcony. Whilst noting this, I have determined the appeal on the basis of the original description.
3. The London Plan (2021) (LP) was adopted after the Council issued its decision notice. Both parties have had the opportunity to comment on its implications for this proposal. The Council have placed Policy D6 before me. I must determine the appeal based on the policies in place at the time of my decision.

Main Issues

4. The first main issue is the effect of the proposal on the living conditions of future occupiers of the ground floor flat in particular relation to light and outlook. The second is the effect of the first-floor balcony on the living conditions of existing occupiers with particular regard to noise, disturbance, overlooking and privacy.

Reasons

Living conditions (future occupiers)

5. The ground floor flat would be provided within the largely single storey rearward extension at the property. This would allow the flat to be served by rooflights which would aid lighting provision. Despite the property sitting within a commercial parade, the wider area has a predominantly residential character.
6. The northernmost section of the existing ground floor would be removed to provide an external patio area. This patio area would be overlooked by windows which would serve the combined dining and kitchen area.
7. Adjacent to the bedroom, a void would be created which would allow the provision of a small courtyard which would be accessed from this room.
8. Therefore, although the constraints of the side mean there would be no side windows, the flat would incorporate a dual aspect which is in accordance with SPG¹ guidance. Importantly, this would allow a through-flow of air. Levels of light would be more limited within the bedroom, along with outlook, but it would be more likely that future residents would spend more of the daytimes within the open plan living and kitchen area which would be well served with light overlooking the newly created patio.
9. I therefore consider that the levels of light and outlook that would be available to the flat has a whole would have no significant adverse effect on the living conditions of future occupiers.
10. I do not therefore identify any conflict with Policy CP4 of the Core Strategy (2010) (CS), nor policies DMD6, DMD8 or DMD37 of the Development Management Document (2014) which amongst other things seek well designed housing with a functional layout that is appropriate to the existing pattern of development and character.

Living conditions (existing occupiers)

11. I observed on my site visit that balconies to the first floor are not a common feature to the rear of nearby properties within the terrace. However, that which is proposed via the addition of railings would only be of very limited depth and width, taking up a very small proportion of the extensive flat roof. Subsequently, the number of people that could be accommodated on it at any one time would be limited, which would reduce the potential for any significant noise or disturbance to arise as a result of people using the balcony. As a result of these factors, the visual impact of the balcony would also be very limited.
12. Further, views back into windows on the rear of other properties within the terrace would not be direct and would not result in any immediate overlooking or loss of privacy. The same would be the case in relation to the rear of properties on Granville Road, given that they are set a substantial distance away to the north.
13. It is therefore the case that there would be no significant adverse effects on the living conditions of existing occupiers with particular regard to noise, disturbance, overlooking and privacy.

¹ Mayor of London Housing Supplementary Planning Guidance 2016.

14. I do not therefore identify any conflict with Policy CP4 of the CS, nor policies DMD6, DMD8, DMD37, DMD64 or DMD68 of the DMD which amongst other things seek good quality design that is appropriate to the existing pattern of development and character and which would not generate an unacceptable level of noise and which preserve amenity in terms of noise and disturbance.
15. I have not found conflict with Policy D6 of the LP relating to housing quality or standards nor SPG guidance.

Conditions

16. The Council has provided me with a list of suggested conditions. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
17. Conditions relating to details of waste storage, energy performance, water consumption and bicycle storage do not appear to be necessary as no details of any supporting policy or clear justification have been provided. A condition requiring further details of the balcony is not required as the proposals are clear from the plans for this part of the scheme.

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR