



Appeal Decision

Site Visit made on 19 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2021

Appeal Ref: APP/Q5300/W/21/3267183

74 Poynter Road, ENFIELD EN1 1DL

- 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 A Bard against the decision of London Borough of Enfield.
 - The application Ref 20/03672/FUL, dated 11 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is for the conversion of the dwellinghouse into two self-contained residential units (1x1 bed and 1x3 bed) including rear dormer extension, 2 x rooflights on the front roof slope and cycle parking provision.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr A Bard against the London Borough of Enfield. This application is the subject of a separate decision.

Preliminary Matters

3. A revised version of the National Planning Policy Framework (The Framework) was published with immediate effect on 20 July 2021. Policies within the revised Framework are material considerations which should be taken into account in decision making. Main parties have been given an opportunity to comment on the new Framework and I have taken into account any subsequent comments received in arriving at my decision.
4. The Council has cited policies 3.5, 7.4 and 7.6 of the London Plan (2016) in its second and third reasons for refusal. These policies have been transposed and renumbered as policies D3, D4 and D6 within The London Plan (2021) which has now been published. These policies are generally the same as the ones they have replaced. I shall take these into account in my decision where relevant.
5. A revised plan has been submitted that seeks to adjust the proposed one-bedroom flat into a studio, by the deletion of an internal wall. This would not materially change the substance of the proposal and, in mind of the 'Wheatcroft Principles', would not prejudice any party if I were to take it into account. Therefore, despite the fact that such a change may resolve a reason for refusal, this alone does not negate my consideration of it. I shall return to this later in my decision.
6. The Council determined, following the submission of an application, that Prior Approval was not required for two single-storey rear extensions at the property in May 2020. These appear to have now been substantially completed. An

approved doorway, within the rear elevation, has been replaced with a window. This has not materially changed the substance of the approved extension.

7. With respect to the appeal, the rear extensions did not form part of the development description and featured as 'existing' on the layout plans. There is no evidence to suggest that these, as built, exceed their permitted dimensions. Therefore, whilst the appellant could make an application for a lawful development certificate, this is not necessary to recognise the status of the extensions for the purpose of this appeal. As a result, the Council's objection to the extensions, with respect to reason for refusal two and the impact of these on the living conditions of neighbour's cannot be substantiated. As such, I have not considered the effect of these extensions further. Accordingly, policy CP 30 of the Enfield Core Strategy 2010-2025 (CS), and policies DMD 11 and DMD 14 of the Enfield Development Management Document (2014)(DMD), are not relevant to this proposal.

Main Issues

8. The main issues are:

- the implications of the proposal for the achievement of balanced communities, with particular regard to its potential effect on the character of the area, and
- whether the proposed change of use would provide an acceptable living condition for future occupiers with particular reference to the provision of internal space.

Reasons

Balanced communities and character and appearance

9. Poynter Road consists of terraced housing. The rows of housing form a strong and regimented building line that creates a strong sense of identity. The appeal site consists of a dwelling that accords with these characteristics and therefore makes a positive contribution to the area.
10. The Council has confirmed that there is an existing HMO close to the appeal site at 70 Poynter Road (No 70). The district includes a substantive number of sub-divided dwellings which has led to the Council's imposition of a district wide article 4 direction, to regulate further such subdivisions. Policy DMD5 of the DMD relates to conversions of existing units into self-contained flats and houses in multiple occupation. This states that such development should avoid clustering that would exceed 20% of all properties along a road and for only one, in a consecutive row of five, to be converted. The purpose of limiting conversions in this way would be to prevent an unacceptable change to the character of an area and to protect residential amenity.
11. As No 70 has been converted into flats, the appeal site would be the second property within the continuous row of the five dwellings of No's 70-78 to be subdivided. The evidence suggests that No's 72-80 are in single family use. Therefore, if this group was considered exclusively the policy would be satisfied. However, to not pay regard to the wider context, and consider the continuous row in both directions, would result in a substantially greater number of sub-divided dwellings being found to be acceptable. Such an approach would be contrary to the Council's standard application of the policy.

This would unbalance the number of single-family dwellings in the area and lead to an over concentration of sub-divided properties. It is recognised that the proposal would include the retention of a three-bedroom dwelling. However, an oversupply of non-family housing could result in a substantive transient population that would be less likely to contribute to and use local community services and thereby undermine the residential character of the area.

12. Accordingly, the proposal would not support the balanced communities sought by the Framework and would therefore cause harm to the character of the area. This would be in conflict with policies CP5 of the CS, policies DMD 5, DMD 6, DMD 8 and DMD 37 of the DMD. These policies seek, among other matters, for development to meet a range of house-types, to be in character with the surrounding development and be appropriately located within its context.

Living conditions

13. The proposal would result in the subdivision of the existing dwelling into a three-bedroom house and a ground floor one bedroom flat. Plans indicate that these would have an internal floor space of 45sqm and 99sqm respectively.
14. Policy DMD8(d) of the DMD requires, inter alia, for the Nationally Described Space Standards (NDSS) to be satisfied for housing development. This requires a one-bedroom flat to be a minimum of 39sqm for one person and 50sqm for two people. The originally submitted plans showed a bedroom that would be 11.5sqm. This was of a sufficient size to be considered as a double bedroom, with the flat therefore serving two-people. The amended plan now shows a studio flat which would be suitable to accommodate only one person. The ground floor flat would therefore meet the requirement for one occupier as a studio flat and would therefore meet the NDSS.
15. As such, the proposal would result in an acceptable standard of living environment for future occupiers. The proposal would therefore accord with policy CP4 of the CS, DMD8 of the DMD and Policy D6 of the London Plan. These seek, inter alia, for development to be of a high-quality design and to meet minimum space standards.

Other Matters

16. Two appeals have been submitted in evidence. The 2017 appeal found no conflict with policy DMD5 despite there being a subdivided property two plots from that appeal site. In that case, evidence showed that the wider area (No's 2-20) had no other such sub-divisions, and the proposal would therefore not result in an over-concentration of such activity. The appeal determined in 2018 found converted houses either side of the appeal site, that were separated from the appeal site by two family dwellings. Therefore, whilst that appeal site was within a block of five unconverted properties, the Inspector found an over concentration due to proximity and quantity. Although, each case must be considered on its own merits these decisions do not clearly show an interpretation of the Council's policy that substantially differs from my own understanding of its operation.

Conclusion

17. 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 not succeed.

B Plenty

INSPECTOR