



Appeal Decision

Site Visit made on 6 July 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 13th August 2021

Appeal Ref: APP/Q5300/W/21/3270855

174 Elsing Road, Enfield EN1 4NZ

- 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 Orhan Toraman against the decision of London Borough of Enfield.
 - The application Ref 20/03220/FUL, dated 4 October 2020, was refused by notice dated 1 December 2020.
 - The development proposed is the conversion of single family dwelling into 2 self-contained flats involving new fenestrations to rear and cantilevered roof to front entrance together with refuse, recycling bins and associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of single family dwelling into 2 self-contained flats involving new fenestrations to rear and cantilevered roof to front entrance together with refuse, recycling bins and associated parking at 174 Elsing Road, Enfield EN1 4NZ in accordance with the terms of the application, Ref 20/03220/FUL, dated 4 October 2020, 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 drawings: A-00 (Site Plan); A-04 (Proposed Ground Floor Layout); A-05 (Proposed First & Loft Floor Layouts); and A-06 (Proposed Elevations & Section).
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.
 - 4) Prior to occupation of the development, full details of refuse storage facilities, including facilities for the recycling of waste, shall be submitted to and approved in writing by the local planning authority. Details shall be consistent with Enfield Council's Waste and Recycling Planning Storage Guidance, available at: <https://new.enfield.gov.uk/services/planning/waste-and-recycling-storage-planning-guidance-planning.pdf>. The facilities shall be implemented in accordance with the approved details prior to occupation of the development and retained thereafter.
 - 5) Prior to occupation of the development, details of the siting and design of a minimum of 3 secured cycle parking spaces to serve the dwellings shall be submitted to and approved in writing by the local planning authority.

The cycle parking facilities shall be implemented as approved prior to occupation of the development and retained thereafter.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice, as this includes details of the physical elements of the development proposed, alongside the proposed change of use.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded by the July 2021 version. Both parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version.
4. Since the determination of the planning application, the 2016 iteration of the London Plan has also been superseded. Policies 3.5 and 3.8 of the 2016 plan were cited in the Council's reasons for refusal, however these have been replaced by Policies D3 and D6 of the 2021 version¹. Both parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the most up to date development plan.
5. The parties' have each referenced the Enfield Strategic Housing Market Assessment (2015) (SHMA) in their evidence, however no copy of the SHMA has been provided. Nonetheless, I am satisfied in this instance that I can rely on the parties' evidence with regard to the relevant content of the SHMA, specifically the identified need for family-sized accommodation within the Council's borough, as this conclusion does not appear to be disputed.

Main Issues

6. The main issues are:
 - the effect of the proposed development on the Council's housing supply with regard to family sized accommodation; and
 - the effect of the proposed development on the living conditions of future occupants of the development, with regard to levels of floorspace.

Reasons

Family Sized Accommodation

7. The appeal property is currently a 3-bedroom dwelling. The proposed development would comprise the conversion of this dwelling into 2 self-contained flats, with the ground floor being a 2-bedroom flat and the first and second floors being a 3-bedroom duplex flat.
8. The Council has highlighted that its most recent SHMA identified a particular need for 3/4-bedroom units. As a consequence, its development plan policies seek to resist the loss of such family-sized accommodation. In particular, where the conversion of an existing family unit into self-contained flats is proposed, Policy DMD5 of the Council's Development Management Document (2014) (DMD) says that compensatory provision for family accommodation (3 bedrooms +) should be provided.

¹ The London Plan, The Spatial Development Strategy for Greater London, March 2021 (The London Plan)

9. The Council has concluded that the proposed development would comprise 2 x 2-bedroom self-contained flats. It therefore contends that the development conflicts with the requirements of Policy DMD5, due to the loss of a 3-bedroom (family sized) unit from its housing stock. This is an inaccurate conclusion. Alongside a 2-bedroom self-contained flat, the proposed development would also include a 3-bedroom self-contained flat over the first and second floors of the property, which would be suitable for a family. As a result, I am satisfied that the development would preserve the level of family-sized accommodation that the appeal site currently contributes to the Council's housing stock and would also contribute an additional 2-bedroom dwelling to the Council's housing supply.
10. The development would therefore be consistent with Policies CP4 and CP5 of The Enfield Plan Core Strategy 2010 – 2025 (2010) (Core Strategy), Policies DMD5, DMD6, DMD8 and DMD37 of the DMD (2014) and Policies D3 and D6 of the London Plan 2021. Together these policies seek to preserve the Council's housing supply, with a particular emphasis on family-sized accommodation, whilst ensuring development is appropriate in terms of quality, density and location. The development would also be consistent with the findings of the SHMA, which identified a need to preserve the supply of family-sized accommodation in the borough.

Living conditions

11. As highlighted by the Council, the London Plan stipulates minimum space standards for new development (which are the same as the Nationally Described Space Standard (NDSS)). Table 3.1 of Policy D6 prescribes a minimum gross internal area (GIA) of 61sqm for a single storey 2-bedroom 3-person dwelling. The proposed ground floor flat, which falls within these parameters would measure approximately 76sqm, which is well above this threshold. For a two-storey 3-bedroom 4-person dwelling, Policy D6 prescribes a minimum GIA of 84sqm. The second flat proposed would be approximately 85sqm, just exceeding this threshold. In terms of overall floorspace, both flats would therefore exceed the minimum space standards set out in the London Plan 2021.
12. Where a dwelling is proposed with 2 or more bedrooms, Policy D6 of the London Plan 2021 requires at least one of these bedrooms to be a double room, with a minimum width of 2.75m and a minimum floor area of 11.5sqm. Both of the proposed flats have 2 or more bedrooms, and both include a double room which meets or exceeds these dimensions. As such, the development would meet this requirement. As per Policy D6, any single bedrooms proposed should have a minimum GIA of 7.5sqm. In the proposed first/second floor flat, the plans submitted with the appeal application originally showed one of the single bedrooms as having a GIA of 7sqm, falling just short of this standard. The appellant has since demonstrated in its evidence that this measurement was factually incorrect, and the room in question actually has a GIA of 8.5sqm. I have no reason to question the validity of the appellant's evidence on this point. On this basis, both flats would also achieve the minimum GIA space standards prescribed by Policy D6 of the London Plan 2021 for single bedrooms.
13. For these reasons, I am satisfied that the development's floorspace would provide acceptable living conditions for its occupiers. The development would

therefore comply with Policies CP4 and CP30 of the Core Strategy (2010), Policies DMD6 and DMD8 of the DMD (2014), Policies D3 and D6 of the London Plan 2021, the NDSS and the London Housing Supplementary Planning Guidance (2012). Together, these policies and guidance require residential development to achieve a good standard of accommodation for its occupiers, which adheres to minimum space standards.

Conditions

14. The Council has supplied a list of suggested conditions, which I have reviewed and amended in line with the Framework (2021) and the requirements in the Planning Practice Guidance.
15. I have included a plans condition for certainty over the development permitted. To ensure the development is consistent with the current design of the appeal property, I have included a condition requiring the external finishes to match those of the existing property.
16. To ensure adequate provision is made for refuse and recycling, I have included a condition requiring full details to be approved and implemented prior to occupation in line with the Council's guidance. In accordance with the Council's cycle parking standards, I have also included a condition requiring details of cycle storage to serve the dwellings to be approved and implemented prior to occupation (1 space for the 2-bed flat, and 2 spaces for the 3-bed flat in line with the requirements of the DMD (2014)).
17. As only minor physical alterations are proposed to accommodate the conversion and the associated occupancy of the appeal site will not significantly increase, I do not consider that any conditions relating to drainage, energy performance or water consumption are justified in this instance to make the development acceptable.

Conclusion

18. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is allowed.

James Blackwell

INSPECTOR