



Appeal Decision

Site Visit made on 16 June 2021

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 November 2021

Appeal Ref: APP/Q5300/W/20/3264550

308 Carterhatch Lane, ENFIELD, EN1 4AL

- 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 S Mehmet against the decision of London Borough of Enfield.
 - The application Ref 20/02327/FUL, dated 24 July 2020, was refused by notice dated 25 September 2020.
 - The development proposed is existing dwelling property to be converted into two self contained 1 bedroom flats with car parking area, refuse area and bicycle stand area maintained.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the Council's refusal of the planning application in 2020, the London Plan, March 2021 (the London Plan) was adopted, superseding all previous versions of the London Plan. The parties to the appeal were invited to submit copies of the 2021 London Plan along with their comments and I have, therefore, determined the appeal on the basis of the adopted London Plan.

Main Issues

3. The main issues are:
 - the effect of the proposal on the provision of housing in the area; and
 - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to internal storage space and amenity space; and
 - whether or not the proposal would satisfactorily achieve sustainable design and construction standards in accordance with local planning policy.

Reasons

Housing provision

4. The appeal property is a two-storey, three bedroom, terraced dwelling located within a residential street which comprises a number of similar properties. The proposal is for the conversion of the dwelling to two self-contained flats.
5. Policy DMD 5 of Enfield Council's Development Management Document, adopted November 2014 (DMD) sets out criteria which must be met in order for the Council to permit development involving the conversion of existing units into flats. Where a proposal involves the conversion of existing family units into

self-contained flats, Policy DMD 5 states that compensatory provision for family accommodation (3 bedrooms+) must be provided within the development. In this instance a 3 bedroom dwelling would be lost and would be replaced by two 1 bedroom flats. No compensatory family accommodation is proposed. Consequently, the proposal would conflict with Policy DMD 5 of the DMD in this regard.

6. Furthermore, Policy DMD 5 is also clear that in order to be acceptable the number of conversions must not exceed 20% of all properties along any road and only one out of a consecutive row of five units may be converted. In this case, as the property at No 302 Carterhatch Lane is in use as Flats, the conversion of No 308 would result in the conversion of two out of a consecutive row of five properties. Therefore, the proposal would also fail to meet the requirements of Policy DMD 5 of the DMD in this regard.
7. For the reasons set out above, I consider that the proposal would cause harm to the provision of housing in the area and would fail to comply with Policies DMD 3 and DMD 5 of the DMD and Core Policy 5 of The Enfield Plan Core Strategy 2010 – 2025 (CS). Amongst other things these policies seek to secure the provision of a mix of different sized homes and to restrict the loss and conversion of family dwellings.

Living conditions

8. Policy DMD 8 of the DMD sets out that new residential development will only be permitted if it meets or exceeds the minimum space standards set out in the London Plan. Policy DMD 5 of the DMD echoes this requirement with particular regard to conversions. Policy D6 of the London Plan, 2021 (London Plan) states that housing development should be of a high quality design and provide adequately-sized rooms.
9. The minimum internal space standards for new dwellings are set out in Table 3.1 which accompanies Policy D6. The table indicates that a one bedroom, one storey, two bedspace dwelling, as is the case with the proposed ground floor flat, should provide a minimum Gross Internal Area (GIA) of 50m² with 1.5m² of built-in storage. A dwelling such as the first floor flat proposed (one bedroom, one storey, one bedspace) requires a GIA of 39m² with 1.0m² of built-in storage.
10. Though both proposed flats would exceed the minimum required GIAs neither appear to have made any provision for the built-in storage space required. The proposal would, therefore, conflict with the policies set out above in this respect.
11. Moreover, Policy DMD 9 of the DMD states that a 1 bedroom flat should provide a minimum of 4sqm of private amenity space and a 1 bedroom 2 person dwelling should provide 5sqm. The policy goes on to state that such dwellings must have access to a functional area of communal amenity space which is not accessible to the public.
12. The dwelling at No 308 appears to have a rear garden area. Though the appellant states that the ground floor flat would have access to this as an area of private external amenity space the plans submitted with the appeal before me do not give any indication as to whether or not this would be secured and how or where this would be provided. There is no evidence before me to

suggest that the first floor flat would have any access to private outdoor amenity space. As such, I am not persuaded that the proposed flats would provide the required levels of private amenity space.

13. For the reasons set out above, I consider that the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to internal storage space and amenity space. The proposal would, therefore, fail to accord with Policies DMD 5, DMD 8 and DMD 9 of the DMD and Policy D6 of the London Plan. Amongst other things these policies seek to ensure that accommodation is of a high standard.

Sustainable design and construction

14. Policy DMD 49 of the DMD states that all new development must achieve the highest sustainable design and construction standards and requires all planning applications to be accompanied by a sustainable design and construction statement. Additionally, Policy DMD 51 of the DMD is clear that all developments will be required to demonstrate how the proposal minimises energy related CO2 emissions.
15. However, though I have been provided with only limited evidence in this regard, the Council Officer's report mentions the potential to secure a statement using planning conditions. Indeed, the Council have suggested conditions which they consider would be suitable in the event I were minded to allow the appeal. The appellant has confirmed this would be acceptable.
16. Therefore, had I found the proposal to be otherwise acceptable, I consider that the energy efficiency of the scheme could be secured through the use of suitably worded planning conditions. Consequently, the proposal would accord with Policies DMD 49 and DMD 51 of the DMD which seek to secure developments which demonstrate high sustainable design and construction standards.

Other Matters and Planning Balance

17. I acknowledge that the dwelling would be in a location well served by existing facilities and infrastructure. I also recognise that the proposal has been sensitively designed with the aim of minimising any effect on the character and appearance of the area or on the amenity of neighbouring properties. The addition of new dwellings which would contribute towards the housing supply in the area would undoubtedly be a benefit of the scheme. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwellings utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
18. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the provision of housing in the area and would fail to provide satisfactory living conditions for future occupiers. The cumulative benefits associated with the additional dwellings would not outweigh the harm I have identified above.

Conclusion

19. The proposal would not accord with the development plan when it is considered as a whole and I have not identified any material considerations which indicate that the appeal should be allowed. For the reasons given above I conclude that the appeal should be dismissed.

L J O'Brien

INSPECTOR