



Appeal Decision

Site visit made on 24 January 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/Q5300/W/21/3280361

122 Lavender Hill, Enfield, EN2 0QU

- 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 Deerpack Patel against the decision of London Borough of Enfield.
 - The application Ref 20/01930/FUL, dated 19 April 2020, was refused by notice dated 7 May 2021.
 - The development proposed is described as "first floor rear extension to create 1no. 1 person commuter self contained studio flat."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to a 2019 appeal decision at this site for a similar scheme. This decision is a material consideration in the determination of this appeal, but I have assessed the proposed development on its own merits.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers,
 - Whether it would make acceptable provision for the storage of refuse and recycling; and,
 - Whether it would make acceptable provision for cycle parking

Reasons

Living conditions

4. The proposed development would provide communal amenity space on the retained area of rooftop. However, access to this space would require taking the lift to the ground floor and climbing an external staircase at the rear of the property. Users of the space would be clearly visible from the neighbouring train station as well as to occupiers of nearby properties. Its attractiveness and value would therefore be limited.
5. The proposed development would provide a lift for access to the flats. In the event of a fire preventing access to the lift, occupants of either flat would not be able to escape as neither flat would have alternative access to the ground

floor. While a condition could be imposed requiring access onto the roof for the proposed flat, this would not address the lack of alternative access for occupiers of the existing flat.

6. The side alleyway that provides access to the first floor was in use for storage of refuse and goods at the time of my site visit, significantly restricting its width. The appellant has suggested that provision of a commercial refuse bin for the ground floor shop could be controlled by a condition. However, it is not clear what size bin would be required, or where within this site it could be stored. It is also not clear what alternative provisions for storage of goods could be made.
7. The proposed flat would be a single aspect dwelling, which Policy D6 of the London Plan (the LP) states should normally be avoided. However, there is no evidence that it would fail to provide adequate passive ventilation, daylight or privacy or that there would be a risk of overheating for future occupiers.
8. Overall, the proposed development would fail to provide acceptable living conditions for future occupiers. It would therefore conflict with the requirements of Policies D4, D5, D6 and D12 of the LP, Core Policy 30 of the Core Strategy 2010 (the CS) and DMD8 and DMD9 of the Development Management Document 2014 (the DMD). These policies require, amongst other considerations, that new housing development be of high quality and inclusive design, provide good quality private amenity space and achieve the highest standards of fire safety.

Refuse and recycling storage

9. The proposed development would include a ground floor storage area for refuse bins. However, this would be constrained by narrow doors significantly below the minimum width sought in the Council's Waste and Recycling Storage guidance. In addition, the storage area is 16 metres from the front of the property where the guidance seeks a maximum of 10 metres. The proposed development should therefore provide an area for collection of the bins, but no such provision is shown on the submitted plans. I have considered whether this matter could be addressed by a condition, but it is not clear where storage could be located within the red line area.
10. The appeal proposal would therefore not make acceptable provision for the storage of refuse and recycling. It would consequently conflict with Policies SI7 of the LP, Core Policy 22 of the CS and Policies DMD47 and DMD57 of the DMD, as well as guidance in the Waste and Recycling Storage Planning Guidance document. Collectively these require that new development make appropriate provision for waste storage and adequate access for waste collection.

Cycle parking

11. Space for cycle storage would be provided in the ground floor area together with the lift and bin store. While the doors to the cycle store would be narrower than the Council's standards, it is not clear that separate doors are required as it is an internal storage area. If I were otherwise minded to allow the appeal, an appropriately worded condition could therefore secure the provision of suitable cycle storage. The proposed development would therefore accord with Policy T5 of the LP, Core Policy 25 of the CS and Policies DMD45 and DMD47 of

the DMD which collectively seek to create a healthy environment in which people choose to cycle and require the provision of secure cycle parking.

Other Matters

12. The Council referred to Core Policy 4 of the CS in its reasons for refusal. However, I have not been provided with a copy of this policy so am unable to give it any weight in determining this appeal.
13. The Council further referred to LP policy SI8 in relation to the reason for refusal focusing on the storage of refuse and recycling. However, this policy relates to the management of London's waste capacity, and it is not clear how it is relevant to this proposal. It is not therefore determinative in my consideration of this appeal.

Planning Balance

14. The proposed development would create one new flat. This would support the Government's objective of significantly boosting the supply of homes. The flat would provide internal accommodation to meet the Council's minimum space standards. Cycle parking would be provided for both the existing and proposed flats, and the site is next to a railway station.
15. Set against these benefits would be the harm identified as arising from the appeal proposal. The flat would fail to provide acceptable outdoor amenity space and would be reached via a narrow alleyway providing a poor standard of access. There would not be acceptable provision for fire safety, or for the storage of refuse and recycling. The limited benefits arising from the creation of one new flat would not outweigh the cumulative harm identified.
16. There are therefore no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

17. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR