



Appeal Decision

Site visit made on 1 March 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2022

Appeal Ref: APP/Q5300/W/21/3279175

20 Leyburn Road, Edmonton N18 2BE

- 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 Bunyamin Guven against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/00883/FUL, dated 5 March 2021, was refused by notice dated 4 May 2021.
 - The development proposed is conversion of the house into a 6 room HMO with part 2-storey rear extension and loft conversion and conversion of garage into a habitable room.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (Framework) was revised on 20 July 2021. It replaces the version from 2019 that the Council considered when it determined the application. There are few differences between the 2 versions of the Framework regarding the specific issues in dispute for this appeal, and so it has not been necessary to seek the views of the parties on this matter.
3. The appellant sets out that the proposed House in Multiple Occupation (HMO) would be occupied by 6 people. I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance;
 - whether the proposal would provide a satisfactory standard of accommodation for the future occupiers, with particular regard to noise and disturbance and the provision of private amenity space;
 - the effect of the proposal on parking, highway safety and the free flow of traffic, including whether satisfactory waste and recycling servicing arrangements would be provided and sustainable transport would be prioritised; and
 - whether the proposal would make provision for sustainable drainage systems (SuDS) measures.

Reasons

Character and appearance

5. The site relates to an end of terrace house that includes a hipped roof and a double storey projection across part of its rear. The drawings indicate that it also features an approved single storey rear projection with a flat roof, but this had not been constructed when I visited.
6. The site is located roughly in the middle of a row of terraces between Wensley Road and Hawes Road. These terraces and others along Leyburn Road and the surrounding roads form well-defined patterns of building lines. The terraces have many shared characteristics such as pitched and hipped roofs and monopitched single storey front projections. Whilst there is some variation between properties, the roads benefit from a generally uniform character and appearance. Many properties near the site along Leyburn Road and Stockton Road feature single storey rear projections. A few double storey projections and roof dormers are also evident.
7. The proposal includes the creation of an extension to the double storey rear projection and a roof dormer. Although views of these elements would be limited from the surrounding roads, they would be readily apparent from the rear of many properties along Leyburn Road and Stockton Road.
8. Policy DMD13 of the Council's Development Management Document (DMD) sets out specific criteria for roof extensions. Amongst other things, it requires that such development is appropriately sized and located within roof planes, and that roof dormers should be inset from the eaves, ridges and edges of roofs by normally 500mm to 750mm.
9. The roof dormer would not appear bulky. It would also be inset from the eaves and edges of the roof. However, it would be set down from the ridge far less than 500mm. Additionally, it would be sited very close to the verge of the double storey rear projection. Consequently, the development would appear awkward and cramped. Whilst there are dormers in the vicinity that are not inset from the ridges, eaves and edges of roofs, I cannot be sure of the circumstances that led to their construction. Nevertheless, I did not see, nor have I been referred to, any dormers located close to double storey projections in a comparable manner to the proposal. As such, surrounding development does not set a compelling precedent for the proposal.
10. The proposal would harm the character and appearance of the area. It conflicts with DMD Policies DMD13 and DMD37, Policy CP30 of the Council's Core Strategy (CS), and Policy D4 of the London Plan (LP). In combination, these policies require that development maintains and improves the quality of the built environment and promotes high standards of design. Additionally, it is contrary to Chapter 12 of the Framework which, amongst other things, sets out that development should be sympathetic to local character.
11. The Council contends that the proposal also conflicts with LP Policy D1. However, I find no conflict with it in respect of this main issue as it sets out requirements for assessing London's form, character and capacity for growth and not individual proposals directly.

Neighbours' living conditions

12. The site is in a relatively compact residential area. Noise from vehicles moving along surrounding roads is audible to the front and rear of the property. In the absence of firm evidence indicating otherwise, I consider that the noise and disturbance impacts of 6 unrelated individuals moving to and from and residing at the proposed HMO would not be dissimilar to if the existing property were occupied by a large family. The Council does not allege that the neighbours' living conditions would be harmed in other respects.
13. The proposal would not have a harmful impact on the living conditions of the occupiers of neighbouring properties. In respect of this main issue the proposal accords with DMD Policies DMD5 and DMD8, CS Policies CP4 and CP32, LP Policies D6 and D14, and Chapter 12 of the Framework. Alongside other matters, these aim to ensure that the quality of housing and living conditions are satisfactory. I also find no conflict with DMD Policy DMD37 or CS Policy CP30 regarding this issue, which relate principally to design matters.

Standard of accommodation

14. Policy DMD9 of the DMD sets out standards for private amenity space sizes. The Council has not expressed whether it considers that any particular standard set out in the policy is directly applicable to a 6 person HMO.
15. The site currently features a modestly sized rear garden that is mostly grassed. Much of the garden would be retained following the development. It would remain roughly rectangular in shape and usable for purposes such as drying clothes and recreation as might typically be expected of a garden. There is nothing compelling before me which indicates that the garden would inadequately accommodate the needs of 6 unrelated occupiers.
16. Additionally, the HMO would be adequate for the occupiers in respect of noise and disturbance levels for the same reasons identified for the preceding main issue.
17. The proposal would provide a satisfactory standard of accommodation for the future occupiers. In respect of this main issue, it accords with DMD Policies DMD5, DMD8, DMD9 and DMD37; CS Policies CP4, CP30 and CP32; LP Policies D6 and D14; and Chapter 12 of the Framework, aspects of which are identified above. I also find no conflict with the LP's Housing Supplementary Planning Guidance (SPG), which indicates at Standard 26 that around 10m² of private outdoor space should be provided for dwellings with 6 occupiers.

Highway and associated matters

18. The site is in a permit parking area; however, restrictions only apply on event days. Presumably this relates to events at the nearby Tottenham Hotspur Stadium. Many properties along the roads surrounding the site feature driveways. Spare space for on-street parking was available when I visited. The proposal would provide one off-street parking space. In addition, the appellant states that the property has an on-street parking space, but a dedicated space was not evident from my visit.
19. I have not been referred to any directly applicable borough level parking standards and LP Policy T6.1 sets out maximum as opposed to minimum parking standards. The site is in a Public Transport Accessibility Level 1a area,

which indicates that its accessibility via public transport is limited. The future occupiers thus may be dependent on private motor vehicles to satisfy the requirements of daily life. It is likely that 6 unrelated individuals would own a higher number of vehicles than one large family. However, based on my observations on site and in the absence of firm evidence indicating otherwise, a slight increase in vehicle ownership by the occupiers at the property would not result in significant parking issues on-street.

20. There would be sufficient space for cycle parking to the front of the property for the occupiers and visitors. Having regard to the limited scale of the proposal, sustainable transport would be prioritised to a proportionate extent. There would also be sufficient space for the storage and presentation of waste and recycling receptacles within the site. Details of the cycle parking and waste and recycling arrangements could be secured by conditions.
21. Vehicles currently park off-street at the property, the site's access would be largely unaltered and any increased demand for on-street parking would be limited. Waste and recycling and other large vehicles would be able to serve the property in a similar manner to the existing arrangements. As such, the proposal would not have an unacceptable effect on highway safety or the free flow of traffic, and the waste and recycling arrangements would be satisfactory.
22. The proposal would be satisfactory in respect of parking, highway safety, traffic flow, waste and recycling and sustainable transport matters. I find no conflict with DMD Policies DMD5, DMD8 or DMD37; CS Policy CP30; or the SPG regarding this main issue, aspects of which have already been identified. It also accords with DMD Policies DMD45, DMD47 and DMD48; CS Policies CP24 and CP25; LP Policies T4 to T7; and Chapter 9 of the Framework. Alongside other things, these seek to ensure that the implications of proposals for access, parking and servicing are adequate, sustainable transport is prioritised, and that unacceptable highway safety and road network impacts are avoided.

Sustainable drainage systems

23. Policy DMD61 of the DMD requires that drainage strategies are provided for all development and maximise the use of SuDS measures. A drainage strategy has not been submitted. However, I have already identified that the rear garden is mostly grassed and the appellant has confirmed that the front of the property features permeable paving. In any event, there would be sufficient space to the front and rear of the HMO to maximise the use of SuDS measures. A condition to require an approved detailed scheme to be implemented would secure this.
24. Subject to the condition, the proposal accords with DMD Policies DMD60 and DMD61, LP Policies SI12 and SI13 and Chapter 14 of the Framework, insofar as these directly relate to SuDS provision.

Other Matters

25. Notwithstanding my findings in respect of the provisions of SuDS measures specifically, I note from the officer's report that the site is within Flood Zone 2. Chapter 14 of the Framework sets out that site specific flood risk assessments should be provided for changes of use in Flood Zone 2, which is what the proposal would entail. Moreover, the development plan policies referred to above and the Framework seek to ensure that development is safe and flood risk is not increased elsewhere. Additionally, although not reflected in the

refusal reasons, the officer's report contends that the proposal would conflict with DMD Policy DMD5 and LP Policy H10 as it would involve the loss of a family sized dwelling.

26. If I had been minded to allow the appeal, I may have needed to have considered the matters of flood risk and the supply of family housing in detail. However, I intend to dismiss the appeal for the reasons identified in respect of the first main issue. As such, I do not need to reach a finding on those matters, as this would have no bearing on the outcome of the appeal in any event.

Conclusion

27. The proposal would harm the character and appearance of the area. I conclude that the proposal is contrary to the development plan as a whole. There are no material considerations which outweigh the conflict with the development plan. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR