

Appeal Decision

Site visit made on 22 March 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2022

Appeal Ref: APP/Q5300/W/21/3277794

9 Ridgemount Gardens, ENFIELD, EN2 8QL

- 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 Halil against the decision of London Borough of Enfield.
 - The application Ref 20/03516/FUL, dated 28 October 2020, was refused by notice dated 14 May 2021.
 - The development proposed is the redevelopment of the site to provide a 2/3 storey block of nine flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 14 January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that the London Borough of Enfield has delivered 67% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As this was also the outcome of the 2020 HDT results I have not sought further views from the parties on this matter.
3. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the provision of a mix of different house sizes, including family size units;
 - the living conditions of future occupiers in respect of adequate space standards, outlook and amenity space.

Reasons

Mix of house sizes

5. The site comprises a detached single storey dwelling, set within a spacious plot located within a small cul-de-sac of similar detached dwellings. The proposed redevelopment of the site would result in the provision of a part two storey, part three storey development comprising 3 no 1 bedroom units, 5 no 2 bedroom units and 1 no 3 bedroom unit.
6. Core Policy 5 of the Enfield Council Core Strategy 2010 (CS) sets out that the Council will seek to ensure that new developments offer a range of housing sizes to meet housing need. For market housing this is set out as 45% 3 bed houses, which is to be delivered over the lifetime of the Core Strategy.
7. Policy DMD3 of Enfield's Development Management Document 2014 (DMD) reiterates the importance of providing a mix of different sized homes and that sites of less than 10 units should contribute towards meeting these targets by providing a mix of different sized homes, including family sized accommodation.
8. The supporting text to the policy sets out that developments of every size should seek to prioritise the development of family sized units where the site context and conditions are appropriate.
9. The evidence before me, in the form of reference to the Strategic Housing Market Assessment within the officers report, sets out a shortage of houses of all sizes, but indicates that the greatest requirement in the owner-occupied market housing sector is for family sized housing. The proposal would result in the loss of a family sized home, with the application form indicating that the current dwelling has 4+ bedrooms.
10. Policy H10 of the London Plan 2021 (LP) sets out that schemes should consist of a range of unit sizes, having regard to robust local evidence of need, the aim to optimise housing potential on sites, and the need for additional family housing.
11. Paragraph 124 of the Framework gives support to development that makes efficient use of land, and I recognise that the proposed scheme increases the density of development. However, paragraph 124 also requires a number of criteria to be taken into account and this includes the identified need for different types of housing and local market conditions.
12. I do not consider the proposed mix of development, whilst increasing the density, would meet an identified need for different types of housing. In addition, the scheme fails to address the market conditions as set out within the adopted policy.
13. The appellant has made reference to other developments near to the site which have been permitted or are under consideration with levels below the standards set out within the adopted policies, however these add to my concern that a continued shortfall in the provision of family housing would result in a failure to deliver the required development of larger homes which was envisaged in the core strategy.

14. I have had regard to the previous appeal¹ and the housing mix proposed as part of that proposal, which was for 2 no 3 bedroom properties and was still below the Council's target of 45%. Whilst this did not form part of the Council's previous reasons for refusal, I am not persuaded that this should mean a further reduction to one 3 bedroom unit is acceptable.
15. In conclusion, in the absence of any evidence to the contrary, I consider that the mix of development results in a scheme that fails to achieve an appropriate mix of properties, in conflict with policy H10 of the LP, policy C5 of the CS and policy DMD3 of the DMD for the reasons set out above. This results in considerable harm and is a matter which weighs heavily against the proposal.

Future Occupiers – Space Standards

16. LP Policy D6 requires that new homes have adequately sized rooms and sets the minimum space standards. Flat 7 has 2 bedrooms with the proposed floor plan showing two double bedrooms. The details provided within the Nationally Described Space Standards states that a dwelling with two or more bedspaces must have at least one double (or twin bedroom). Any double (or twin bedroom) should have a floor area of at least 11.5sqm and the evidence before me indicates that one of the proposed double bedrooms is only 11 sqm.
17. The appellant has submitted an amended plan as part of the appeal, SK-032 which demonstrates that a minor modification to the internal layout could be undertaken to ensure that both bedrooms meet the required standard. Whilst, Annex M of the Procedural Guide Appeals – England advises that the appeal process should not be used to evolve a scheme, I am content that no parties would be prejudiced by this internal change. Therefore, I have considered the amended plan as part of the appeal.
18. The amended layout demonstrates that the proposal would provide a dwelling with rooms of an adequate size to accommodate three or four persons, without it being oppressively confined such that it would be significantly harmful to its occupants, having regard to the lack of conflict with any adopted space standards.
19. In conclusion, the development provides acceptable living conditions for future occupiers, with particular reference to internal living standards, in accordance with policy D6 of the LP and policies DMD6 and DMD8 of the DMD.

Future Occupiers – Outlook

20. Policy D6 of the LP sets out that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. These should only be provided where it is considered a more appropriate design solution to meet the requirements of optimising site capacity through a design-led approach.

¹ APP/Q5300/W/19/3220520

21. Flat 3, which is the only 3 bedroom flat in the proposed scheme, is single aspect and includes a kitchen/living room with a single outlook overlooking the garden. Whilst this would limit the amount of natural light received to the main habitable room, the submitted Daylight, Sunlight & Overshadowing Assessment, Rev III, 2020 indicates that for the living/dining/kitchen the average daylight factor is 2.55%, which is above the stated minimum standards.
22. Furthermore, the orientation of the windows means that it will benefit from afternoon sun, and this orientation in itself will largely prevent overheating. Therefore, based on the evidence before me, there is no harm arising from the single aspect layout which has been designed in response to the need to optimise density.
23. In conclusion, the development provides acceptable living conditions for future occupiers, with particular reference to outlook, in accordance with policy D6 of the LP.

Future Occupiers – Amenity Space

24. Policy DMD6 requires development to achieve a high-quality standard of accommodation, linked to the requirements of policy DMD8. This policy sets out the general standards for new residential development and states that new development will only be permitted if, amongst other things, the development provides high quality amenity space.
25. Policy DMD9 sets out the space standards for amenity space and for communal areas requires, amongst other things, that the space provides a functional area and is over looked by surrounding development.
26. The scheme provides policy compliant private amenity space as set out within the aforementioned policies. However, the proposed communal space has not been considered to meet the standards set out above and in particular concern is raised that the communal area would be overlooked.
27. The previous appeal decision² concluded that the proposed amenity space was overlooked by a large number of properties, and that this would make the space unattractive and of poor quality for future residents. The communal space is unchanged in the development before me.
28. The proposed communal amenity space for the flats would be provided to the rear of the building. The area is a rectangular shape, enabling a small sitting out area and an entirely separate area has been provided for cycle and bin storage, enabling the space to the rear to function solely as amenity space. A number of the flats would overlook this area. Therefore, I consider that the area would provide a functional space appropriate for future occupiers of the proposed development.

² APP/Q5300/W/19/3220520

29. However, whilst I accept that policy DMD9 requires that any communal space is overlooked by surrounding development, the area is modest in its proportions and would be overlooked not just by residents of the proposed development but also the surrounding development of Oakley Mews. The extent of overlooking would be greater than that required to ensure surveillance and to prevent any anti-social behaviour. My findings are consistent with the previous inspector in this regard.
30. Flats 2 and 3 have direct access to the communal amenity space. However, for the remaining units this would not be as appropriate in terms of ease of access. In order to access the spaces occupiers of the other flats would need to come out of their front door, walk around the building and pass along the side of the proposed flats. This would be a less convenient route, particularly if ramped access were to be required, and that would seriously diminish the likelihood that future occupants would use the amenity space.
31. In conclusion, the combination of the lack of direct and convenient access and the extent of overlooking would result in a communal area which would be unattractive and less inviting for future users. Therefore, the development fails to provide acceptable living conditions for future occupiers, with particular reference to amenity space. It would therefore be contrary, in this regard, to Policy D6 of the LP which requires communal outside space to be designed to be easily accessed from all related dwellings and be located to be appreciated from the inside. It would also fail to accord with policy DMD6, DMD8 and DMD9 of the DMD for the reasons outlined above.

Other Matters

Character and appearance

32. The proposal before me follows the decision of a related appeal to dismiss the redevelopment of the site to provide a 2/3 storey block of nine flats on the same site. Whilst each case must be determined on its own merits, I have had regard to this decision in the determination of the appeal.
33. The appellants design and access statement provides visual representations of the previously dismissed scheme and the current proposal. The previous Inspector stated that the design and proportions of the proposed building were clearly meant to be bold and contemporary and the design succeeds in this regard. It does not follow however that the inspector concluded previously that this was the correct approach for the site.
34. In considering the impact on the character and appearance of the area the Inspector concluded that in the previous scheme the proposed building would appear over dominant and cramped on what they considered to be an important transitional site. Further reasoning went on to explain that the dominance was exacerbated by the uncompromising angular form of the design and lack of detailing that would allow the building to integrate successfully into the street scene.

35. Whilst the Council have concluded that the proposed development resolves the issues of massing, scale and bulk, the proposal before me retains the angular form of the design and as noted by the previous inspector this is a relatively constrained site which has to provide a transition to the neighbouring bungalows and is required to integrate into the street scene. I cannot be certain based on the evidence before me that the appeal proposal has fully addressed the concerns of the previous Inspector, however, as I am dismissing on other grounds, it has not been necessary for me to reach a conclusion on this matter.

Housing Delivery

36. The 2021 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

37. Taking into account the current shortfall, 9 dwellings would provide a limited contribution to housing supply in the area. There would be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.

38. Nevertheless, the identified adverse impacts of the development, in respect of the lack of an appropriate mix of housing and the living conditions for future occupiers, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

39. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR