



Appeal Decision

Site visit made on 28 February 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13/05/2022

Appeal Ref: APP/Q5300/W/21/3279271

59 Chestnut Road, Enfield EN3 6SY

- 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 C Karabulut against the decision of London Borough of Enfield.
 - The application Ref 20/03611/FUL, dated 6 November 2020, was refused by notice dated 19 January 2021.
 - The development proposed is described as 'retrospective conversion of 5 Bedroom House into 1No of 3 Bedroom and 1No of 2 Bedroom Dwelling Houses'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development proposed has already been undertaken. I have therefore assessed the appeal on the basis that planning permission is sought retrospectively.
3. The London Plan 2021 (LP 2021) was published in March 2021 and this supersedes the policies of the London Plan (2016) referred to in the Council's decision notice. The main parties have been provided with an opportunity to comment on the relevance of the LP 2021 to the appeal. Table 3.1 (Minimum internal space standards for new dwellings) of the LP 2021 has been provided by the Council and I have taken this into account as part of my assessment.

Main Issues

4. The main issues are:
 - (i) Whether the development provides suitable living conditions for occupants of the dwelling identified on the submitted drawings as '59A' with particular regard to internal floor space; and
 - (ii) Whether or not the development is or can be made acceptable in terms of energy use having regard to the requirements of the development plan.

Reasons

Living conditions for occupants of '59A'

5. Core Policy 4 (Housing Quality) of The Enfield Plan Core Strategy (2010) (CS) confirms amongst other things that standards relating to internal space are to be set out in the Enfield Development Management Document.

6. Policies DMD 5 (Residential Conversions) and DMD 8 (General Standards for New Residential Development) of The Enfield Development Management Document (2014) (DMD) requires amongst other things that new residential development meets or exceeds minimum space standards in the London Plan.
7. The dwelling identified as No 59A on the drawings provided is a two-bedroomed, two-storey unit. Table 3.1 of the LP 2021 sets out that two-bedroomed, two-storey dwellings with bed space for three persons require a minimum gross internal floor area (GIA) of 70m² with built in storage of 2.0m². The same minimum standards for dwellings of this size are also set out in The Government's 'Technical housing standards - nationally described space standard' (published 2015) (the national space standards).
8. The drawings before me are annotated to suggest that No 59A has a gross internal floor area (GIA) of 71m². However, the Council disputes this and suggests the GIA for this unit is less than the minimum GIAs set out in the LP 2021 and the national standards. Following a request for further information as to how the Council came to this view, the Council responded on 24 March 2022 suggesting that the GIA is 67m². However, the supporting measurements within the Council's email are not legible nor do they show the area included in its calculation.
9. I have requested legible measurements, but the Council has confirmed it is not willing to provide any further information in this regard. The appellant has also been provided with an opportunity to provide a plan showing internal measurements and floorspace calculations for No 59A in order to verify their position but the required information has not been forthcoming.
10. Given that neither of the main parties has provided me with definitive measurements or floorspace calculations, I cannot be certain that the gross GIA within No 59A is accurate and would meet the minimum internal floor space requirements in the development plan.
11. There is no dispute between the main parties in respect of the GIA of the three-bedroomed unit. Even so, this does not overcome my concerns in respect of No 59A.
12. I conclude, it has not been demonstrated that the development provides suitable living conditions for occupants of '59A' with particular regard to the provision of internal floor space. In that regard, it conflicts with the requirements for developments to meet minimum internal floor space standards in Policies DMD 5 and DMD 8 of the DMD, Core Policy 4 of the CS and Table 3.1 of the LP 2021. In this regard the proposal would also conflict with the national space standards.
13. The Council's decision notice also refers to Policy DMD 9 of the DMD. This policy requires proposals to meet minimum standards for private amenity space. The Council's delegated report confirms that the Council is satisfied that the amenity space provided for No 59A meets the requirements of Policy DMD 9 and from what I have seen I find no reason to conclude differently. Even so, this does not overcome the shortcomings identified in respect of internal space.

Energy use

14. The main parties have confirmed that a condition requiring the submission of an Energy Scheme which demonstrates how the development minimises energy related CO₂ emissions would be acceptable. Such a condition could include a requirement for mitigation measures to be provided within a specified timescale in the event that these are considered necessary.
15. I conclude that, subject to an appropriate condition, the development would comply with the requirements for new development to minimise energy use and CO₂ emissions in Policy CP20 (Sustainable Energy Use and Energy Infrastructure) of the CS and DMD 51 (Energy Efficiency Standards) of the DMD.

Other Matters

16. With regards to the third-party concerns raised, the proposal does not propose to build on the rear garden and given the vehicular and pedestrian access arrangements are to the front of the property where good natural surveillance exists, I do not consider that the proposal would be likely to compromise the security of neighbouring properties.

Conclusion

11. I have found that the development could be made acceptable in terms of energy use. However, it has not been demonstrated that suitable living conditions have been provided for occupiers of the unit identified as No 59A and the development therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR