

Appeal Decision

Site visit made on 29 June 2021

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2021

Appeal Ref: APP/Q5300/W/21/3267573

205A Whittington Road, Southgate, London N22 8YW

- 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 Michael Christodoulou against the decision of the Council of the London Borough of Enfield.
 - The application Ref 20/03560/FUL, dated 29 October 2020, was refused by notice dated 4 January 2021.
 - The development proposed is a conversion of self-contained flat into 2 x self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the updated London Plan (adopted March 2021) (the LP) and National Planning Policy Framework (July 2021) (the Framework) were published, which replace all previous versions. The parties were provided with an opportunity to comment on their relevance to this appeal, and I have taken any subsequent comments received into account in my consideration of this appeal.
3. The appellant submitted amended plans with their appeal statement. The 'Procedural Guide – Planning Appeals – England' advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
4. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur. In this case, the amended plans demonstrate only the location of offsite cycle parking and available head height within the proposal in response to specific issues raised by the Council in refusing the application. As such, I am confident no party would be compromised in the consideration of the amended plans and have therefore determined the appeal accordingly.

Main Issues

5. The main issues are as follows:

- Whether the proposal would provide suitable living conditions for future occupiers of the flats with regards to private amenity space and usable internal floor space;
- Whether the proposal would make adequate provision for secure, covered, convenient and accessible cycle parking; and
- The effect of the development on pedestrian mobility and the character and appearance of the area in terms of the arrangements for refuse storage and collection.

Reasons

Living Conditions

6. The appeal site comprises an end terrace residential property located on the corner of Whittington Road and Russell Road in a predominantly residential area. The appeal proposal seeks to convert the first and second floors of the property into two flats.
7. Policy D6 of the LP advises that where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1 square metre should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. The relevant Development Plan policies in this matter, DMD8 and DMD9 of the Enfield Development Management Document (adopted November 2014) (the DMD), do not provide a minimum figure for one bed flats but generally seek high quality private amenity space.
8. There is no private amenity space proposed as part of the conversion. While I understand the existing dwelling also has no space for this purpose, the subdivision of the building would increase its density in terms of the number of units and constitute new development which is subject to control under the relevant requirements of the development plan as it stands at the time of the application. The lack of private amenity space would therefore not provide future occupiers of the flats with suitable living conditions in this regard.
9. I am informed there are several parks within a 20-minute walk of the appeal site, although I have no indication of where these are located. However, these areas would be supplementary rather than a substitute for private amenity space and would not afford the opportunity for domestic activities such as drying clothes or sitting in a private outdoor space.
10. Both flats would be dual aspect which the LP advises offer greater benefits in terms of daylight and outlook, among others. The addition of one unit to the Council's housing stock would also be of benefit. However, this would be limited and, despite some constraints on the site, these benefits would not outweigh the lack of suitable living conditions for future occupiers of the properties.
11. I have had regard to the appellant's statement of case including comments that the proposal would provide suitable levels of light, air quality, and would not subject occupiers to adverse levels of noise. To my mind the Council have not taken issue with any of these matters and the lack of harm in these respects neither weighs in favour or against the proposal.

12. I have considered the concerns of the Council in respect of available head height in Flat B. The appellant has submitted an annotated floor plan which demonstrates the areas which cannot meet this standard, although these are limited to the areas beneath the pitch of the roof between the dormer windows. The plan demonstrates the required space specified in Policy D6 of the LP is met, and as such I would consider there to be sufficient headspace and usable floor space for Flat B.
13. To conclude, the proposal would not provide suitable living conditions to future occupiers of the flats with regards to private amenity space, contrary to Policies DMD8, DMD9 and DMD37 of the DMD, Core Policy 4 of the Enfield Plan Core Strategy (adopted November 2010) (the CS) and Policy D6 of the LP. These seek, among other aims, to ensure development provides good quality private amenity space.
14. The proposal would also be contrary to the aims of the Framework, which advises in paragraph 130(f) that development should create a high standard of amenity for existing and future users.

Cycle Parking Provision

15. Policy T5 of the LP sets out minimum standards for cycle parking, which would require 3 spaces to be provided for the proposal. While I note the number of spaces required is disputed, the proposal does not include any cycle parking and due to the lack of external space, this provision is not a matter which could reasonably be the subject of a condition.
16. The appellant has demonstrated a willingness to contribute to offsite cycle parking, and I did observe an example of such a facility close to the appeal site as marked on the amended plan submitted with the proposal. However, I do not have any information on how this arrangement would work or, to that end, a completed legal agreement or other mechanism before me which would ensure appropriate contributions can be secured to make the proposal acceptable in this regard. While it is claimed the number of occupants of the property would not increase, this matter is subject to control under the relevant provisions of the development plan at the time of the application.
17. Accordingly, the proposal would not provide sufficient cycle parking facilities, contrary to Policies DMD5, DMD8, DMD37, DMD45 and DMD 47 of the DMD, Core Policies 25 and 30 of the CS and Policies T4 and T5 of the LP. These seek, among other aims, to ensure development provides parking in safe, convenient and accessible locations. The proposal would also be contrary to the National Planning Policy Framework, which advises in paragraph 104 that opportunities to promote cycling should be identified and pursued in development proposals.

Refuse Storage and Collection

18. The Council has concern that the lack of a storage area for bins at the appeal site would mean these are left on the street to the detriment of the character and appearance of the public realm and pedestrian mobility. However, the appellant has provided the existing arrangements for flats or properties with no front space in Enfield, which typically involve waste being collected in sacks rather than wheelie bins. These are then left at the front of the property on collection day. From the Council's own information this appears to be the

preferred arrangement for flats across the Borough and I see no reason why this would change with the introduction of one additional unit of housing.

19. Accordingly, I find no harm to pedestrian mobility or the character and appearance of the area with regards to refuse storage and thus there would be no conflict with Policies DMD5, DMD8, DMD37, DMD 47 and DMD57 of the DMD and Core Policy 30 of the CS. These seek to ensure, among other aims, that all new developments make appropriate provision for waste storage, sorting and recycling, and adequate access for waste collection. The proposal would also accord with the Framework at paragraphs 104 and 130 which seeks for development to provide a high standard of amenity for existing and future users and create places that are safe, secure and attractive including by avoiding unnecessary street clutter.

Other Matters

20. I am informed that the Council approved an application to convert the building in April 2000 without the need for amenity space. However, this significantly predated the existing development plan and the newest iterations of the LP and Framework. I have assessed the proposal on its own merits against the current development plan and other considerations.
21. My attention is drawn to other developments approved by the Council in Aldermans Hill¹ and Lincoln Hill² with no private amenity space. I have not been provided with a copy of the officer report for the former, so I am unsure as to the justification for this, although a previous lack of insistence on the provision of private space does not convince me the proposal before me is acceptable. The development on Lincoln Road differs in that it does have some private space for one of the flats while it is within 50m of public amenity space for the other units. While I would agree in general that consistency in decision making is important, it does not follow that this proposal should be approved on this basis. I have accordingly determined the appeal scheme on its own merits, having regard to its own individual context.
22. I acknowledge the appellant's concerns over the Council's handling of the application. However, these matters do not alter my findings above in which I have had regard to the planning merits of the proposals.

Conclusion

23. The proposal would not provide suitable living conditions for future occupiers of the flats with regards to private amenity space, nor would it ensure the provision of adequate cycle parking facilities. Conversely, I have found no harm with regards to usable internal floor space or refuse storage and collection. Nevertheless, the proposal would conflict 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. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR

¹ 20/02595/FUL

² 20/02307/FUL