



Appeal Decision

Site visit made on 14 June 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2022

Appeal Ref: APP/Q5300/W/21/3288104

199 Church Street, Edmonton N9 9HL

- 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 Angeli of Oaktree Housing Ltd against the decision of the London Borough of Enfield.
 - The application Ref 21/03514/FUL, dated 13 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as the conversion of property into 7 self-contained flats for supported accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of property into 7 self-contained flats for supported accommodation at 199 Church Street, Edmonton N9 9HL in accordance with the terms of the application, Ref 21/03514/FUL, dated 13 September 2021, subject to the conditions: -
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan – Serial Reference 74917, produced 07/09/2021
 - Proposed GF Layout – 2141 A1, dated Sep/ 2021
 - Proposed FF and 2F Layout – 2141 A2, dated Sept 2021
 - 3) The development hereby permitted, shall be limited to a maximum of 7 residents at any one time.
 - 4) The development hereby permitted shall not be occupied until refuse storage facilities have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be always retained for the storage of refuse.
 - 5) The development hereby permitted shall not be occupied until secured and covered cycle storage facilities have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be always retained for the storage of cycles.

Procedural Matter

2. The description of the proposed development included a use class reference of C3b. This has been removed from the description as the proposed development does not accord with that class as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the Council's supply of housing including family housing.

Reasons

4. The appeal property is a 3 storey mid terrace house, and it is agreed by the main parties it is split into 3 flats.
5. The Council consider the flats to constitute 2 x 2-bedroomed flats and 1 x 3-bedroomed flats. The evidence for this appears to be from the existing plans which show 7 bedrooms across the 3 flats. The appellant's planning statement at application, states that each flat provides 2 bedrooms, occupied by young adults requiring supported living. Although the plans are not consistent with this, but considering the other evidence before me, including observations onsite, I am satisfied that the appeal property consists of 3 x 2-bedroomed flats.
6. The Council consider family housing to constitute 3 or more bedrooms, as specified in part 2.a. of Policy DMD5 of the Enfield Council Development Management Document (2014) (DMD). The existing property only includes 2-bedroomed dwellings and provides accommodation for a specific section of the community. Therefore, it's current use is not consistent with family housing. Notwithstanding this the proposal would ultimately constitute a loss of 2 residential units (3 flats converted into 1 house of multiple occupation).
7. DMD Policy DMD4 expressly deals with the loss of existing residential units. It sets out 3 exceptions where the loss of such units would be permissible and that includes when there is no net loss of residential floorspace as a result of the redevelopment.
8. The proposal would comply with DMD Policy DMD4 as it would not reduce the residential floorspace of the appeal property. In addition, it would allow further accommodation for young adults requiring supported living. On a small scale this would build on the ethos of an inclusive community, as set out in the London Plan (2021) Policy GG1, and add to the mix of housing and accommodation types within the area.
9. It is noted that the Council could seek to use obligations to compensate for the loss of existing housing however the need for such measures has not been substantively set out within the evidence before me.
10. The proposed development would not therefore harm the Council's supply of housing, including family housing, and would comply with London Plan Policies GG1, H1 and H10, Policy CP5 of the Enfield Council Core Strategy (2010), DMD Policies DMD3, DMD4 and DMD5 and paragraph 62 of the National Planning Policy Framework (2021), insofar as they relate to housing type, mix and stock.

Other Matters

11. Concerns were raised in relation to local ecology, the character of the local area, parking provision, over development and impact on community facilities, noise nuisance and general disturbance, and health and safety, regarding fire.
12. No evidence has been provided that the proposal is in an ecologically sensitive area and the proposal would not alter the external elevations of the property so would not affect the character of the area. The proposal would remain car free, and the Council's Transportation Team are satisfied that this is appropriate.
13. The property will remain residential in use and the increase of 1 resident would not constitute over development or such an increase in local population as to impact on community facilities. Nor would the addition of 1 resident increase the potential of noise or disturbance to such a level as to constitute harm to the living conditions of the occupants of adjacent properties, and this is supported by the Council's Environmental Health Officer.
14. Finally, The Council's HMO Officer has made recommendation for minor physical alterations to the property which may be necessary under a secondary regime and would include fire safety measures. The changes proposed would be regulated by the secondary regime and would not be so significant as to meaningfully alter the proposal before me in planning terms.

Conditions

15. The Council has suggested conditions, and these have been agreed by the appellant. I have considered the suggested conditions against advice in the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended them for consistency and clarity.
16. In addition to securing commencement within the relevant statutory timeframe, the condition specifying the approved plans is necessary for certainty, and the condition limiting occupancy will protect the living conditions of the occupants of the adjoining residential properties. The conditions relating to the refuse and cycle storage will ensure appropriate provision is made, that it would integrate acceptably with the surrounding area, and their use retained for the benefit of future occupants.

Conclusion

17. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework. I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR