
Appeal Decision

Site visit made on 10 May 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/Q5300/W/21/3278227

4 Jaycroft, Enfield EN2 8NG

- 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 Mario Constantinou against the decision of London Borough of Enfield Council.
 - The application Ref 21/01356/FUL, dated 10 April 2021, was refused by notice dated 10 June 2021.
 - The development proposed is described on the application form as "Change of use from single dwelling to provide additional dwelling. Roof extension with rear dormer".
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Decision

1. The appeal is allowed and planning permission is granted for conversion of property into two single dwellings involving first floor side extension, front rooflight and rear dormer window at 4 Jaycroft, Enfield EN2 8NG in accordance with the terms of the application, Ref 21/01356/FUL, dated 10 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SIT001, SIT002, EXP001, EXP002, EXP003, PRE001, PRE002, PRE003, PRP001, PRP002, PRP003, PRS001.
 - 3) No development hereby permitted shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all trees and shrubs on the site to be retained, and details including size and species of any to be planted, together with measures for their protection in the course of development and a timetable for implementation. The approved scheme shall be implemented in accordance with the approved timetable and shall thereafter be maintained. Any trees or plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from implementation of the landscaping scheme, shall be replaced in the next planting season with others of a similar size and species.
 - 4) The external finishing materials of the development hereby permitted shall match those used in the construction of the existing building.
 - 5) No surfacing works shall be carried out to the parking area hereby permitted until details of the surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The surfacing shall be

carried out in accordance with the approved details before the new dwelling hereby permitted is first used, and shall thereafter be retained.

6) No works above ground level shall take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The submitted details must demonstrate compliance with the requirements of Enfield Council Development Management Document (2014) Policy DMD49. Should Low or Zero Carbon Technologies be specified as part of the build, the location of the plant along with the maintenance and management strategy for their continued operation shall also be submitted. The Energy Statement should outline how the reductions are achieved through the use of Fabric Energy Efficiency performance, energy efficient fittings, and/or the use of renewable technologies. The development shall be carried out in accordance with the details approved and maintained as such thereafter.

Preliminary Matters

2. In my decision I have used the description of development stated by the appellant in the appeal form and the Council in its decision notice as it more clearly represents the development proposed.

Main Issues

3. The main issues are (i) the effects of the development proposed on the character and appearance of the existing building, with particular regard to the proposed design and pedestrian access, (ii) the effects of the development proposed on the living conditions of occupiers of 14 and 15 Hardy Way, with regard to outlook and privacy, and (iii) whether the proposed development would result in the loss of a family sized housing unit.

Reasons

Character and appearance

4. The appeal site is located on a private street in a residential area containing a variety of building forms, including single-storey dwellings, medium-rise flats, and garage blocks. It is one of six apartments in a three-storey white painted brick building with a tiled roof, and dormer roof windows front and rear which accommodate the third storey. The appeal site is a ground floor flat which benefits from a large lean-to structure at the end of the building, a rear extension, and parking and garden space.
5. The proposed development is the division of the flat into two, and replacement of the lean-to roof at the side of the building with a gabled roof to accommodate additional living space.
6. The gabled roof would reflect the style of the main roof in terms of its height, pitch, form and materials and, being a storey lower, would remain subservient to the main roof. The proposed elevational drawings show the amended roof would appear large in comparison to the ground floor brick frontage. However, the narrow enclosed access road provides only oblique views of this part of the building from the road, and the limited visibility of the side and rear of the building result in only partial views of the building. Therefore, despite significantly increasing the height of the existing single storey lean-to structure, seen in its context it would not appear out of character with the existing building.

7. The proposed end elevation would remain offset from the boundary which contains mature trees within the appeal site, and which would significantly reduce its visibility from the adjacent bungalow. The proposed dormer window at the rear would be a similar size and scale as existing dormer windows on the main roof, but would appear larger on the smaller proposed pitch roof. Nevertheless, the proposed dormer window would be only marginally visible over the garage blocks at the rear of the site, and would be seen in filtered views through trees from gardens at the rear in views where the ground floor of the building will not be seen and much of the remainder of the building is obscured. As a consequence it would not appear out of character with the existing building when seen in context.
8. Access to the new flat would be from the parking area at the end of the building. An entrance door at the side of the building, visible from the street, would not harm the character of the building or be inappropriate as a residential entrance. Neither would a shared vehicular and pedestrian shared surface be unusual on a domestic driveway. On the contrary, the removal of the fencing from the parking area would improve the character and appearance of the building.
9. I therefore find that the development would not harm the character and appearance of the existing building, with regard to the proposed design and pedestrian access. It would accord with Policies D3 and D4 of The London Plan (2021), which relate to design, Core Strategy Policy CP30¹, and Development Management Document Policies DMD6, 8, 14 and 37², which require high quality design appropriate to its context. The proposal would also accord with the approach in Chapter 12 of the National Planning Policy Framework (the Framework), which seeks well-designed places.

Living conditions

10. The existing lean-to roof is only marginally visible from 15 Hardy Way above the boundary hedge and between mature trees. Views from No.15 largely consist of the thick mix species boundary hedge, the canopies of the large trees along the boundary within the appeal site, along with elements of the upper parts of the existing gable wall. The proposed gable end would be closer than the existing one, and higher, but would remain set back from the boundary. Given the extensive vegetation between the properties, and subject to retention of the mature trees, the proposed extension would not be dominant, intrusive or overbearing. Without any windows in the proposed end elevation, there would also be no overlooking of the garden of No.15.
11. The effects of the proposal on occupiers of 14 Hardy Way would, I accept, be greater as its garden runs along the rear boundary with the appeal site. From No.14, the new roof and dormer window would be seen, but not at close proximity. Given the angle of viewing from the proposed dormer, it would not result in an inappropriate degree of overlooking and, given the separation distance, the development would not be unduly dominant or overbearing.
12. Nonetheless, from the garden of No.14, existing trees on the appeal site would filter some views from the proposed rear dormer window, but there are large gaps in the foliage, and deciduous trees would do little to maintain privacy over

¹ London Borough of Enfield Plan Core Strategy 2010-2025 (2010)

² London Borough of Enfield Council Development Management Document (2014)

the winter months. Without further planting, and retention of existing foliage, there would be a significant loss of privacy for users of parts of the garden of No.14. There would also be similar impacts on occupiers of 13 Hardy Way, although not to same degree given the separation distance. Nevertheless, overlooking impacts could be reduced to an acceptable degree with additional planting within the appeal site, which could be required by planning condition.

13. No.3 Jaycroft is located opposite the appeal site but has no side windows which would directly face the development. The high boundary wall and a canopy structure also obscure any significant views from the ground floor rear extension. The proposed extension would be seen from the garden, which is already overlooked by first and second floor windows of No.4, and the marginal additional intervisibility from the narrow proposed rooflights would be limited in effect.
14. Therefore, subject to a suitable planning condition, the development would not unduly affect the living conditions of occupiers of 14 and 15 Hardy Way or 3 Jaycroft, and would accord with Policies DMD7 and DMD8 of the Development Management Document, which relate to general standards for new residential development and development of garden land, and Chapter 12 of the National Planning Policy Framework.

Family housing:

15. Policy DMD5 requires conversions of existing family units into self-contained flats to compensate for family accommodation lost by providing units of 3 bedrooms or more. Core Strategy Policy CP5 seeks to ensure that new developments offer a range of housing sizes to meet overall need. Policy DMD3 expects developers to maximise the provision of family units (3 beds +).
16. The proposed development is the conversion of the existing flat into two separate two-bedroom units. The crux of the disagreement between the parties is whether or not the existing unit is a 3-bed unit, or should be treated as such for the purposes of Policy CP5.
17. I note that previous planning applications stated the unit was a 3-bed dwelling. Nevertheless, the area marked 'study' is open to the dining room without a door, and is not large enough to meet the London Plan minimum standards for a bedroom. As such, and irrespective of any use of that space previously, it would not be reasonable to define the existing flat as a family dwelling.
18. I am not convinced by the Council's argument that the dwelling is large enough to be a family dwelling and should therefore be assessed as one on the basis that it is capable of accommodating 3 bedrooms. Both the local plan policies and the London Plan clearly consider family housing to be 3-bedroom dwellings.
19. In relation to the two appeal decisions quoted by the Council, I note both cases related to existing units of 3 or more bedrooms, and neither is therefore comparable to the appeal site. I also note the Council's Strategic Housing Market Assessment ('the SHMA'), which was published in 2010 and updated in 2015, and demonstrates a need for family dwellings. Nevertheless, as I find the appeal site is not an existing family dwelling the development would not result in the loss of one.

20. I therefore find there would not be loss of a family sized housing unit, and the development would not conflict with the relevant sections of London Plan (2021) Policy H10, which relates to the mix of housing sizes, or Core Strategy Policy CP5, and Development Management Document Policy DMD5, which are described above. I have also found no conflict with Chapter 5 of the Framework, which seeks to deliver a sufficient supply of homes, or with the London Plan Housing Supplementary Planning Guidance (2016).

Other Matters

21. I have taken into account the representations of those nearby, including in respect of structural matters and noise, access and parking, and potential effects on ecology and waste generation. Structural and party wall matters are, addressed under separate regimes. Any noise during construction would be temporary. The scheme would represent an incremental addition to housing stock and thereby density. I have seen nothing to indicate the development would result in undue stress in terms of parking, noise collection or otherwise. The Council have raised no parking or environmental health objections, and I have seen no evidence requiring me to take a different view. Although I therefore accept that the scheme would result in some change, no other matters are sufficient to alter my overarching finding that the proposal would be acceptable.

Conditions

22. I have imposed a condition specifying the approved plans for certainty. And one specifying that the materials shall be as stated on the application form and plans, and submission of driveway surfacing details, to ensure they respect the character of the existing building, but do not consider the character of the area to so sensitive that samples must be submitted. I have required an energy statement to require sustainable design and construction and accord with Development Management Document Policy DMD49.

23. I have also required a landscaping condition to reduce the effects of the development on the privacy of users of the adjoining garden to the rear. That condition is required to be pre-commencement to secure the retention of existing trees where necessary, and to ensure that adequate screening is provided at an early stage of the proposed development. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance and have accordingly amended the phrasing of certain conditions proposed, without altering their fundamental aim.

Conclusion

24. For the above reasons, having regard to the development plan as a whole, and to all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions above.

Peter White

INSPECTOR