



Appeal Decision

Site visit made on 16 August 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2022

Appeal Ref: APP/Q5300/W/22/3291397

11 Broadoak Avenue, Enfield EN3 6TS

- 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 Goitom Mebrahtu against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/03297/FUL, dated 26 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is described as conversion of existing 7-bed house into 2 separate houses, 1 x 5-bed and 1 x 2-bed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space; and
 - Whether parking provision is acceptable having regard to highway safety and the promotion of sustainable transport modes

Reasons

Living conditions

3. Broadoak Avenue generally comprises of semi-detached properties, many of which are similarly designed. The street is tree-lined with properties set back from the road which contributes to Broadoak Avenue exhibiting a spacious suburban character. 11 Broadoak Avenue is a traditionally designed semi-detached house, quite typical of the immediate area, though it has previously been extended and contains accommodation across three floors.
4. The plans identify the proposed 2 bedroomed house as No 11A. Although individual rooms and spaces within No 11A may be adequately sized, in order for the minimum internal space standards contained within Policy D6 of the London Plan 2021 (LP) to be met, the gross internal floor area requirement must also be achieved. For a 2 storey, 2 bedroomed, 3 person occupancy house this floor area requirement is 70m². On the basis of the evidence before me, the gross internal floor area of No 11A would, fairly substantially, be below the standard at only 62.6m².

5. The internal space standards within Policy D6 of the LP are a minimum requirement and exceedance of them is encouraged. In failing to meet these minimum requirements, I find that the proposal would not be delivering a home of high quality with an internal layout that would provide adequate living conditions.
6. The rear garden may be adequately sized and I accept that this would contribute to the quality of the dwelling that would be delivered. However, the acceptable garden does not nullify the requirement for acceptable internal accommodation to also be provided. Internal and external spaces serve different purposes and make different contributions to the quality of living conditions. Therefore, and in this case, I do not find that the proposed garden overrides the harm I have identified as a result of the shortfall in internal floor area.
7. No extensions are proposed to the host property as part of the development with external alterations proposed being quite limited. As a result, the development would not cause any loss of light or overshadowing effects which would harm the living conditions of neighbouring occupiers. However, this lack of harm is neutral in the planning balance and does not outweigh the harm I have identified in respect to the living conditions of the future occupiers of No 11A.
8. For the reasons given, the development would be contrary to Policies D6 of the LP, CP4 of the Enfield Core Strategy, 2010 (CS) and DMD8 of the Enfield Development Management Document, 2014 (DMD). In summary, and amongst other things, those policies seek to ensure that development is of high quality, which provide comfortable layouts and meet or exceed minimum internal space standards. I do not find conflict with Policy DMD5 of the DMD as this policy specifically applies to those residential conversions which would result in the creation of either self contained flats or houses in multiple occupation. On the basis of the evidence before me, neither of those would result.

Parking provision

9. The submitted plans show that the host property currently has existing crossovers to the front and rear. A large blocked paved area is located to the front of the house whilst to the rear is a detached outbuilding, identified on the plans as a garage. Most properties on Broad Oak Avenue have off-street parking to their front. On my site visit I noted that some on-street parking was taking place.
10. The submitted plans, design and access statement and application form propose the provision of two parking spaces to serve the two houses. Two parking spaces are clearly depicted on the proposed plans on the block paved area. The Council reference a third parking space to the rear, though, given the appellants submissions, it is not clear whether this is proposed for parking.
11. In either scenario the maximum parking standards set out within Policy T6.1 of the LP would be exceeded. The operation of Policy T6.1 is clear that it sets-out the applicable maximum parking provision by reference to a Transport for London Public Transport Accessibility Level (PTAL), even if the standards for the outer London PTAL 2-3 areas are grouped together.

12. Sufficient space may be available within the plot for the parking spaces proposed and their provision could reduce the demand from prospective occupiers to park on-street. However, the overprovision of parking would undermine the purpose of maximum parking standards, that being to promote more sustainable modes of transport and reduce dependency upon private vehicles. I have no substantive evidence before me that on-street parking occurs which is prejudicial to highway safety or that, in turn, the off-street parking proposed would be beneficial in this regard.
13. Furthermore, Policy T6 of the LP states that where sites are proposed for redevelopment, parking provision should reflect the current approach and not be re-provided at previous levels if they exceed the parking standards. Policy 45 of the DMD does state that in the assessment of proposals, the needs of the future occupants of development will be considered. However, I have no substantive evidence before of any particular needs or circumstances in this case which would mean that the application of the relevant maximum parking standards would be inappropriate.
14. Whilst the existing vehicle crossover to front is located close to a junction and the crossover proposed would be sited farther away from it, I have no substantive evidence before me that existing access arrangements are unsafe. Furthermore, the street adjacent to Broadoak Avenue onto which both existing crossovers are located has no through road and serves a limited number of properties and vehicular, pedestrian and cycle movements are likely to be low.
15. As a result, the development would be contrary to Policies T1, T2, T4, T6 and T6.1 of the LP, Policies CP24 of the CS and DMD45 of the DMD. In summary, and amongst other things, those policies seek to ensure that development adheres to parking standards and facilitates meeting strategic targets in respect of trips made by foot, cycle or public transport. I do not find conflict with Policies CP25 of the CS or DMD5 and DMD47 of the DMD. Policy CP25 focuses principally upon the implementation of improvements to pedestrian and cycling infrastructure whilst Policy DMD47 focuses upon access and servicing arrangements not parking. I find that the content of both policies is largely irrelevant to the specific harm I have identified. For the reasons set out in the other main issue, Policy DMD5 is not applicable to the development.

Other Matters

16. The proposed parking spaces may be located on a permeable driveway which appropriately caters for surface water disposal. The local planning authority have raised no objections to the pedestrian access and cycle storage arrangements within the development and I have no substantive reason to disagree with their conclusions. However, this lack of harm is neutral in the planning balance and so does not outweigh the harm I have identified in respect of the main issues.
17. Although other properties in the area may have been sub-divided into separate dwellings, I have no details before me of those cases or how they may be of any relevance to the development in this case. As a result, I give little weight to them in my Decision.

Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
19. The Housing Delivery Test indicates that the delivery of housing within the London Borough of Enfield was substantially below (less than 75% of) the housing requirement over the previous three years. In such instances paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. There are no relevant Framework policies protecting areas or assets of particular importance in this case.
20. The development would create an additional home which would boost the supply of housing in the area, albeit it would make only a small contribution. However, homes must be of adequate quality and I have identified that the quality of accommodation which would be provided at No 11A would be inadequate, failing to provide acceptable living conditions for its future occupiers. In respect of the other main issue, I have identified an unacceptable overprovision of parking is proposed which undermines the promotion of more sustainable modes of transport and the reduction in the dependency upon private vehicles.
21. The harm I have identified in respect of the two main issues significantly and demonstrably outweighs the limited benefit of the additional housing when assessed against the policies in the Framework taken as a whole. In turn, the conflict that I have identified with the development plan is not outweighed by other considerations, including the Framework. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR