



Appeal Decision

Site visit made on 23 September 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/Q5300/W/22/3292247

6 Clarence Road, Enfield EN3 4BW

- 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 Azhar Malik against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/03738/FUL, dated 30 September 2021, was refused by notice dated 13 December 2021.
 - The development proposed is conversion of integrated garage to habitable space and internal remodelling to change two flats from 1no. 1bed and 1no. 3bed to 2no. 3bed.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of integrated garage to habitable space and internal remodelling to change two flats from 1no. 1bed and 1no. 3bed to 2no. 3bed at 6 Clarence Road, Enfield, EN3 4BW in accordance with the terms of the application, Ref 21/03738/FUL, dated 30 September 2021, subject to the following 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: 01 A and 02 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form, albeit I have removed the reference to the development being retrospective as this is not an act of development.
3. Though described as being retrospective, on my site visit, I noted that the accommodation within the property did not match that shown on the "As Built/Proposed" plan. On my visit, I found that the property appeared to contain 3 flats rather than 2 and the front roof slope contained 1 roof window rather than 2. The garage door had been replaced with a window as per the submitted plans. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issues

4. The main issues are:

- Whether acceptable living conditions would be provided for the occupants of the host property; and
- Whether parking provision is acceptable and the effects of this upon highway safety.

Reasons

Living conditions

5. 6 Clarence Road is a traditionally designed terraced property located on a street which is predominantly residential in character. Properties vary on the street, but it mainly contains other terraced properties. The street is tree lined and most properties are served by small front gardens and larger rear gardens. Bay windows serve many properties on the street including the host property. Roof windows are common on the street indicating that many properties have accommodation within their roof spaces.
6. The internal layout of the property would be altered and occupancy levels of one of the flats would increase, however, no additional flats are proposed. Policy D6 of the London Plan, 2021 (LP) sets out a series of requirements to ensure housing quality. Together with some more general elements, Policy D6 sets out specific minimum space standards for both private internal space and private outdoor space. However, the justification to the policy states that the minimum space standards apply only to new self-contained dwellings. From the evidence before me, given no additional flats are proposed in this case, the standards set-out within the policy are not relevant to the development. Aside from the alleged lack of compliance with these standards, I have no substantive evidence before me that the size of the rooms or spaces within the property that would be delivered would be insufficient or would be harmful to future occupiers.
7. Similarly, I also find that Policy DMD9 of the Enfield Development Management Document, 2014 (DMD), which relates to private amenity space standards for new development, is not relevant in this case given no additional housing is proposed. Furthermore, and on the basis of the evidence before me, the upper flat, as depicted on the "As Built/Proposed" plans has no access to a private external space. In the proposal, this circumstance would not change.
8. One second floor room is shown on both the "As Consented/Existing" and "As Built/Proposed" plans to be served by roof windows only. It is proposed that this space would change from being used as a living/dining room to a bedroom. Both types of room are ones where an occupier would be expected to spend considerable time and I have no substantive evidence before me that a bedroom warrants greater outlook than a living/dining room. In turn, I cannot conclude that this change would result in harm to the living conditions of occupants.
9. I have found that the internal and outdoor space standards of Policies D6 of the LP and DMD9 of the DMD are not relevant in this case. I have no substantive evidence before me that the development would not deliver acceptable living conditions for future residents. Accordingly, the development would comply

with those aims of Policies D3 and D6 of the LP, Policy DMD6 of the DMD and Policy CP30 of the Enfield Core Strategy, 2010 (CS). In summary, and amongst other things, those policies seek to ensure that development is of high quality and delivers appropriate living conditions.

10. I have identified that Policy DMD9 of the DMD is not relevant to this case. Policies DMD8 of the DMD and Policy CP4 of the CS also all relate to the standard and quality of new housing only. With no additional housing units proposed I attribute very limited weight to these policies. Policy DMD7 of the DMD relates only to the development of garden land, which is not proposed. Finally, I do not find conflict with Policy D4 of the LP which focuses principally upon processes which assist in ensuring the delivery of design quality and in which I have found no substantive harm.

Parking

11. Properties on Clarence Road are generally not served by garages. Some properties have dedicated in-plot parking but most have no such parking. On my visit I noted that Clarence Road has no parking restrictions. This is the case on significant sections of several neighbouring streets, albeit some have sections which are yellow lined. Clarence Road abuts High Street. High Street and other streets which meet it contain a range of shops and services. A bus stop, serviced by a range of bus services is located a short distance from the site on High Street. A farther distance away, is Southbury Overground station, around which, a concentration of more services and facilities are located.
12. Through the conversion of the garage a parking space may be lost as a result of the development and alternative parking within the plot may not be feasible. However, the parking standards contained within Policy T6.1 of the LP are maximum standards. Policy T6.1 does not contain a minimum standard and therefore does not demand that a particular amount of parking must be provided for this development. The site may be located within an outer London public transport accessibility level (PTAL) 2 location but, nevertheless, owing to the proximity to bus stops and local services and facilities, sustainable transport modes would be readily available options for the occupants of the development. Parking is largely unrestricted in the area, and I have no substantive evidence before me that particular parking problems persist in the area or that this development would be likely to worsen such problems.
13. Accordingly, I find that the absence of dedicated in-plot parking provision would not breach parking standards nor be detrimental to highway safety. It follows that the development would comply with Policy T6.1 of the LP and DMD45 of the DMD. In summary, and amongst other things, these policies state that residential parking should not exceed maximum standards and require that parking is provided having regard to the scale and nature of the development, the local public transport accessibility, and existing parking pressures in the locality. I find that Policy D6 of the LP, which relates principally to the quality of design of the internal and external layout of housing development is irrelevant to parking and highway safety matters in this case.

Other Matters

14. I have no substantive evidence that the development could not be adequately drained nor that the development would result in drainage problems for

neighbouring occupiers. Concerns raised in this regard, then, are of limited weight to my decision.

Conditions

15. I have imposed the standard time limitation condition (condition 1), and a plans condition, which is needed in the interests of clarity (condition 2). Condition 3, to secure the appropriate use of materials, is needed to protect the character and appearance of the area.
16. In accordance with the Planning Practice Guidance, conditions to remove permitted development rights should only be imposed in exceptional circumstances and it has not been shown that this is necessary in this case.
17. Where necessary, and in the interests of precision or clarity, I have made some general amendments to the wording of the conditions from that suggested by the Council.

Conclusion

18. For the above reasons, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR