



Appeal Decision

Site visit made on 10 January 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Appeal Ref: APP/Q5300/W/22/3302732

Building A, 33-47 Grovebury Court, London N14 4JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by The Alan Matthey Trust Corporation & Steven Matthey & Daniel Matthey against the decision of the London Borough of Enfield.
 - The application Ref 21/04160/PRA, dated 2 November 2021, was refused by notice dated 10 January 2022.
 - The development proposed is described on the application form as 'Construction of one additional storey of residential floorspace immediately above the top floor of the principal part of the building, providing a total of 5 new flats comprising 3 x 1-bed 1 person units and 2 x 1 bed 2-person units, with private terraces, plus 8 new cycle parking spaces in a proposed enclosure'.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the construction of one additional storey of residential floorspace immediately above the top floor of the principal part of the building, providing a total of 5 new flats comprising 3 x 1-bed 1 person units and 2 x 1 bed 2-person units, with private terraces, plus 8 new cycle parking spaces in a proposed enclosure at Building A, 33-47 Grovebury Court, London, N14 4JR in accordance with the terms of the application, Ref 21/04160/PRA, dated 2 November 2021, subject to the standard conditions set out in paragraph A.2 of Part 20 of the GPDO and the additional conditions set out in the attached schedule.

Preliminary Matters

2. Schedule 2, Part 20, Class A of the GPDO permits development consisting of the construction of up to two additional storeys of new dwellinghouses immediately above the topmost storey on a building which is a purpose-built, detached block of flats. The Council have concluded that the appeal scheme meets the criteria in Paragraph A.1 of the GPDO. I have no reason to disagree.
3. Notwithstanding the above, development under Class A is permitted subject to conditions that the developer must apply to the Local Planning Authority for prior approval as to, amongst other matters, transport and highway impacts of the development.

Main Issue

4. The main issue in this appeal is whether prior approval should be granted having regard to transport and highway impacts of the development.

Reasons

5. The proposal would add 5 new flats to an existing development. The Council's maximum standard for new flats of the type proposed, as set out in table 10.3 of The London Plan 2021, is 0.75 spaces per unit. This would result in a maximum requirement of 3.75 spaces. The parties disagree over whether 3 or 4 spaces should be provided, however given that the figure in the local plan is expressed to be a maximum I have used a requirement for 3 spaces for the purpose of my assessment. The appeal proposal makes no additional provision for off street parking.
6. Grovebury Court is a residential development, comprising a mix of terraced and low-rise flatted accommodation, and has a frontage to Chase Road. It is accessed by a private road and is reliant on communal parking courts/garages and on-street parking to satisfy its daily needs. I saw a small number of vehicles parked within the parking courts and straddling pavements on the private drive when I visited. There were no vehicles parked, in the immediate vicinity of the appeal site on Chase Road, which was free flowing. While my observations represent a snapshot in time, the parking survey submitted by the appellant says at night time unrestricted parking on Grovebury Court was at, or exceeded, capacity.
7. In light of the above, any additional parking requirements resulting from the proposal would be dependent on opportunities to be found in surrounding streets. In this regard the Appellant asserts that there is spare capacity for on-street parking, within 200 metres of the appeal site, including on Chase Road, Charter Way and Dalrymple Way, whilst still maintaining stress levels below 90%. The Council disagree with this assertion maintaining that, when an additional 3 cars are allowed for, stress levels in the aforementioned streets would be at, or exceed, 100% in most cases.
8. I accept that the streets in the locality of the appeal site exhibit a moderate level of stress at the present time, and this would be likely to be exacerbated if future occupiers of the proposed flats owned a vehicle. I also acknowledge that demand on unrestricted parking will fluctuate during the day, particularly given the proximity of the Wolfson Hillel Primary School, and the potential indiscriminate parking that might arise therefrom. I also recognise that occupiers of the proposed flats, given a choice, would choose to park close to their accommodation, and that any increased on-street parking in Grovebury Court or in nearby streets could further restrict the free flow of vehicles in those areas, including bin lorries and emergency services.
9. Notwithstanding the above, on-street parking is clearly a feature of Grovebury Court and the surrounding streets, and local residents and drivers will be aware of the need to give due consideration to parked cars and pedestrians. Accordingly, any increase in demand arising from 5 one bedroom flats is unlikely to result in a significant change in the approach of drivers or pedestrians.

10. I have taken into account Policy T6 of the London Plan 2021 which indicates that car parking should be restricted in line with levels of public transport accessibility and connectivity. Moreover, car free development should be the starting point for all development proposals. In this regard I note that the entrance to the proposed flats would have a Public Transport Accessibility Level (PTAL) of 3. This indicates a medium access to frequent public transport options.
11. On my site visit, I observed that the site is a short distance from the bus stops near the junction of Chase Road and Charter Way which provide a regular service to Southgate town centre. Thereafter, direct access can be made to Southgate Underground station. In other directions bus services link to the Cockfosters and Potters Bar railway stations. In addition, the proposal would provide secure cycle parking for the flats which could be guaranteed by the imposition of a condition. Therefore, there would be transport options for the occupants other than depending on cars, and it would be feasible for occupants to live in the flats without the need for a car to travel to work, services or leisure facilities.
12. Notwithstanding the shortfall in available parking spaces, when measured against the maximum standard, I find that there would be sufficient on-street parking available to safely accommodate any increase in demand arising from 5 one bedroom flats. It is therefore unlikely that the proposal would cause significant highway safety problems for vehicle users or pedestrians. Nor, taking into account the potential level and nature of vehicle movements, is it likely that there would be any materially adverse effect on the free flow of traffic.
13. I have had regard to the policies of the development plan in so far as they are material to this issue. In light of the above, I find that the proposal would not conflict with Policies DMD 45 and DMD 47 of the Improving Enfield - Development Management Document 2014 which, amongst other matters, requires parking requirements for developments to be considered against the standards set out in the London Plan and the PTAL of the site, whilst also making provision for cyclists. There would also be no conflict with Policy T6 of the London Plan 2021 which, amongst other matters, seeks to restrict car parking in line with levels of transport accessibility and connectivity, with development being designed to provide the minimum parking necessary.
14. I conclude that the proposal would not result in significant transport and highway impacts. Therefore, it would accord with Part 20, paragraph A.2 (1)(a), of the GPDO. Moreover, and insofar as it is relevant to the subject matter of the prior approval, it would not conflict with the objectives of paragraph 111 of the National Planning Policy Framework, which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

15. The Council indicate that the proposed flats would not affect air traffic and defence assets or result in contamination or flooding risks. They raise no objection to the external appearance of the building and are content that future occupants would have access to adequate levels of natural light in all habitable rooms. Furthermore, they are satisfied that the proposed development would not result in overshadowing or give rise to additional harm in terms of

overlooking and privacy. From what I have seen and read I do not disagree with the Council's view on these matters.

16. I have taken into account other matters raised by local residents with regards to amenity, external appearance and pollution. These are not matters raised as reasons for refusal by the Council, and I see no reason to find otherwise.

Conditions

17. Sub-paragraph (18) of Paragraph B of Part 20 allows for the imposition of conditions reasonably related to the subject matter of the prior approval. The Council has suggested conditions that the appellant has had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments where necessary for clarity and consistency purposes. At paragraph 1 of this decision, I have referenced the various standard conditions that apply as laid out at Paragraph A.2 to Part 20 of the GPDO.
18. Sub-paragraph (17) of Paragraph B to Part 20 sets out that development must be carried out in accordance with the details approved. In this sense, a condition listing the approved plans is reasonable to impose in the interests of certainty.
19. Details of the refuse and cycle storage facilities to be installed are illustrated upon approved plan Proposed - General Arrangement (Drawing number GVC_PL_201), which I am satisfied would be fit-for purpose. Nevertheless, in the respective interests of protecting amenity and of positively influencing the scheme's transport/highways impact, a condition to ensure the implementation and subsequent retention of these facilities is reasonable and necessary.
20. A condition is required to ensure that the proposed development does not lead to damage of the nearby public road network, to protect local amenity and minimise disruption to the neighbouring properties.

Conclusion

21. For the reasons given above the appeal is allowed, and prior approval granted subject to conditions.

John Gunn

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan and existing -site ground floor level (Drawing number GVC_PL_100)

Proposed - General Arrangement (Drawing number GVC_PL_201)

Proposed - General Arrangement (Drawing number GVC_PL_203)

Proposed – Roof Level (Drawing number GVC_PL_204)

Proposed – Elevations (Drawing number GVC_PL_211)

Proposed – Elevations (Drawing number GVC_PL_212)

Proposed – Sections (Drawing number GVC_PL_221)

Proposed – NE Axonometric (Drawing number GVC_PL_310)

Proposed – SW Axonometric (Drawing number GVC_PL_311)

2. The development hereby permitted shall not be first occupied until elevation details of the refuse and cycle stores, together with details of the external facing materials to be used, have been submitted to and approved in writing by the Local Planning Authority. These refuse and cycle stores shall be constructed in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

3. The development, including demolition of the existing structures on site, shall not commence until a construction management plan has been submitted to and approved by the Local Planning Authority. The construction management plan shall be written in accordance with London Best Practice Guidance and contain:

a) A photographic condition survey of the public roads, footways and verges leading to the site.

b) Details of construction access and associated traffic management.

c) Arrangements for the loading, unloading, and turning of delivery, construction, and service vehicles.

d) Arrangements for the parking of contractors' vehicles.

e) Arrangements for the storage of materials.

f) Hours of work.

g) Arrangements for deliveries.

h) The storage and removal of excavation material.

i) Measures to reduce danger to cyclists.

j) Measures to control the emission of dust and dirt during the demolition and construction in accordance with the Mayor of London's supplementary planning

guidance 'The Control of Dust and Emissions During Construction and Demolition.

The development shall be carried out in accordance with the approved construction management plan. The approved plan shall be fully implemented for the duration of any demolition and construction works.

All Non-Road Mobile Machinery of net power 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's SPG, or subsequent guidance.

END OF SCHEDULE