
Appeal Decision

Site visit made on 27 February 2023

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2023

Appeal Ref: APP/Q5300/W/22/3302789

1B Warwick Road, Enfield EN3 6HW

- 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 Mehmet Ibrahim of KFM Property Developments Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/01165/FUL, dated 26 April 2022, was refused by notice dated 22 June 2022.
 - The development is the conversion of garage into 1 self-contained flat, involving alterations to front elevation, together with rear conservatory.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form describes the development as '*Retrospective Planning Application to regularise the current use of the garage, existing garage conversion to Studio flat*'. Section E of the appeal form indicates that the description of development has not changed. However, the description given in the appeal form is materially different to that originally used in the planning application, in that it identifies operational development involving alterations to the front elevation and a rear conservatory. I have no evidence of any formal agreement between the main parties on this change. However, it is clear from the plans and accompanying details that the development comprises a change of use to create a flat in a former domestic garage, alterations to the front elevation and the construction of a conservatory to the rear. The Council dealt with the proposal on this basis and so shall I. The description given in the banner heading above is that which appears on the Council's decision notice, with the removal of the term 'retrospective' from the description since this is not necessary in defining the development.
3. I saw on my site visit that works were complete on the conversion, including the installation of a new door to the front; a uPVC framed conservatory had been built onto the rear elevation; and the building was furnished and occupied in residential use. This is consistent with information provided in the planning application confirming development was completed at the time the application was made. However, notwithstanding the limited detail on the plans which show only an outline of a conservatory, the conservatory I saw appeared narrower than that shown on the plans, leaving clear gaps to the boundary fences either side. I have determined the appeal on its planning merits based on what I considered from my site visit to be a completed development. I have

therefore referred to the proposal as 'the development', including in the banner heading above.

Main Issues

4. The main issues are:

- whether the development provides acceptable living conditions for its occupier(s) in respect of internal space, floor to ceiling heights, ventilation and outlook; and
- whether the development results in an increased risk of flooding at the property and elsewhere.

Reasons

Living conditions

5. The development comprises a converted domestic garage, which has been modified at the front to create a pedestrian entrance through a new garage door and extended to the rear to provide a conservatory. I saw that works had been completed, the building was occupied, and it contained a modern shower room and fitted kitchen. At the time of my site visit on a pleasant morning, when the pedestrian access door was open the space appeared relatively bright. However, notwithstanding the modest sized kitchen window and partially glazed door in the rear elevation, and the glazed conservatory beyond, once that door is closed, which would be the norm, the main room has a cramped, dim and oppressive feeling, due mainly to the noticeably low ceiling height and its limited size.
6. The adequacy of the development in respect of living conditions must be considered having regard to the Technical housing standards – nationally described space standard (27 March 2015, as amended 19 May 2016) (the space standard). Further, Policy D6 of The London Plan (March 2021) (the LP) establishes more stringent standards in respect of floor to ceiling heights. The conservatory adds to the available living space. However, even with that area included in calculations, the development as a whole falls short of the minimum floor area for a studio flat required by the space standard and the LP. This matter is not disputed. When considered alongside the shortfall in the floor to ceiling height required by the space standard and those required by Policy 6 of the LP, the development fails to meet minimum standards by some margin.
7. The front door sits within what appears as a modified single garage door. There are three small high level fixed obscure-glazed windows in that garage door. Consequently, opportunities for cross ventilation through the building would be limited to times when the front door is open. Given that this opens directly into the living space this would be an inappropriate arrangement for achieving adequate ventilation. While reasonable outlook is provided from the conservatory into the rear garden, that is a relatively small room. The development creates a single aspect dwelling which offers a generally poor outlook from the main living space.
8. I conclude that the development provides inadequate internal space, floor to ceiling heights, ventilation and outlook which would result in unsatisfactory and harmful living conditions for the occupier(s). Accordingly, it conflicts with Policy D6 of the LP, Core Policy 4 of The Enfield Plan Core Strategy 2010 – 2025

(November 2010) (the CS), and Policies DMD6 and DMD8 of the Improving Enfield Development Management Document (November 2014) (the DMD) all of which require compliance with defined minimum space standards and require a high quality of design and standard of accommodation to be achieved in residential development. The development also conflicts with the National Planning Policy Framework (the Framework) which seeks the same outcomes.

Flood risk

9. A Flood Risk Assessment (the FRA) was submitted with the planning application. The Council considers this to be inadequate and, as a result, there remains uncertainty about the effects the development may have on flooding at the appeal property and elsewhere. The site is in an area defined as being in Flood Zone 2, and this is not disputed. Accordingly, the Framework requires the submission of a site-specific flood risk assessment, and the relevant development plan policies are consistent with this requirement.
10. Specific objections have been raised by the Council's flood risk advisor to the detail provided in the FRA which, they say, is lacking in respect of detail regarding finished floor levels in relation to the 1 in 100 year (plus climate change) surface water and fluvial flood depth; the need for a flood management/ evacuation plan; and the need to ensure no reduction in on-site flood storage. Further, the objection expresses concern that the development does not include appropriate source control Sustainable Drainage Systems (SuDS), and this is necessary to comply with development plan policies.
11. The appellant's statement seeks to address the specific areas of concern raised by the Council. However, this largely repeats the content of the FRA which I also find to be significantly lacking in detail. No credible and robust proposal for a SuDS scheme has been provided. The height of the threshold at the bottom of the front door in relation to the finished floor levels that I saw during my site visit is very low, and I have been provided with little information regarding the flood resilience of that door. Further, the conservatory extension results in the creation of an additional impermeable area. For these reasons, and without adequate evidence that demonstrates how flood risk has been properly addressed, I am not satisfied that the development avoids an increased risk of flooding at the property and elsewhere.
12. I acknowledge that otherwise unacceptable development can sometimes be made acceptable through planning conditions. In this case, given the nature of the development as a whole, it would be necessary to fully assess these effects before deciding whether planning permission should be granted. In these circumstances I am not satisfied that the risk of flooding could be mitigated through the imposition of planning conditions.
13. I conclude that it has not been demonstrated that the development would avoid an increased risk of flooding either at the property or elsewhere. Accordingly, the development conflicts with Core Policy 28 of the CS, and Policies DMD59, DMD60, DMD61 and DMD62 of the DMD which, in summary, require development to avoid and reduce the risk of flooding at the site and not increase the risks elsewhere, support development in Flood Zone 2 only where all sources of flood risk have been addressed, and require all development to maximise the use of SuDS with at least one 'at source' SuDS measure included in the development. The development also conflicts with the Framework for similar reasons.

Other Matters

14. The Council's reasons for refusal refer to Core Policy 30 of the CS, which concerns development and interventions in the public realm, and Policy DMD9 of the DMD, which sets out requirements for private amenity space at new dwellings. While I note the Council's reference to there being no private amenity space to serve what would be a first floor flat above the appeal property were the appeal to be allowed, that property was not explicitly part of the planning application and, in any event, the Council appear to conclude that the lack of private amenity space would not be a concern given the size of that flat and the local circumstances in respect of accessible open space. I find that neither of these policies are directly relevant to the main issues in this case.
15. The effect on the character or appearance of the area is not disputed, neither would the development cause harm to the living conditions of the occupiers of neighbouring properties. These are not matters which weigh in favour of the development.

Conclusion

16. For the reasons given above, having had regard to the development plan as a whole, together with all other relevant material considerations, the appeal is dismissed.

David English

INSPECTOR