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# Appeal Decision

Site visit made on 4 April 2023

**by M J Francis BA (Hons) MA MSc MCIfA**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> April 2023**

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**Appeal Ref: APP/Q5300/W/22/3302820**

**6 Dell Road, Enfield EN3 5RF**

- 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 Hasan Gul against the decision of the Council of the London Borough of Enfield.
  - The application Ref 22/01286/FUL, dated 13 April 2022, was refused by notice dated 17 June 2022.
  - The development proposed is rear and first-floor side extension, loft conversion with rear dormer and skylights, and conversion of a single family dwelling into 2x residential units with associated parking and waste bins.
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## Decision

1. The appeal is allowed and planning permission is granted for proposed rear and first-floor side extension, loft conversion with rear dormer and skylights, and conversion of a single family dwelling into 2x residential units with associated parking and waste bins at 6 Dell Road, Enfield EN3 5RF in accordance with the terms of the application, Ref 22/01286/FUL, dated 13 April 2022, subject to conditions set out in the attached schedule.

## Applications for costs

2. An application for costs was made by Mr Hasan Gul against the Council of the London Borough of Enfield. This application is the subject of a separate decision.

## Preliminary Matters

3. The description of development, as shown on the application form is set out in the banner heading above. Whilst this does not directly refer to the ground floor front extension, it is clear from the submitted plans that the proposal includes a small projection and alterations to the ground floor windows where the garage door is currently sited.

## Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of flat B with regard to the provision of outdoor amenity space.

## Reasons

5. The appeal site is the end property in a row of two-storey terraced housing, located within a residential area of similar style housing. It has a render finish and a hipped roof. To the side is a single storey garage which has been converted to provide storage at the front, with a kitchen at the rear. This has

access to a patio area adjoining the back garden. There is also a conservatory extension on the rear elevation. At the front of the property is hardstanding which is used for parking.

6. The garden to the rear is an irregular shaped area which curves to a point at the end. From the patio, the garden steps down forming two level areas and is largely under grass. It is surrounded by close boarded timber fencing with a gate providing access to a narrow, grassed track, to the side. The track can also be entered from Dell Road where there are double metal gates set back from the roadside. It provides access to the rear of several properties backing onto the track.
7. The proposal, which seeks to convert and extend the property to create one 3-bedroom unit and one 2-bedroom unit, includes dividing the rear garden area into two. Whilst flat A on the ground floor would have direct access to a rear garden, it is proposed that flat B would access their garden space by using the track and entering the garden via the existing gate. The gardens would be divided by a 1.8 metre fence to provide private amenity space for both flats.
8. Whilst there would be no direct access from the property to the garden space for flat B, the amount of amenity space for both flats complies with that set out in Enfield Policy DMD 9. The Council has noted that there is no evidence about ownership of the track and that access to the garden is not shown on the existing plans. However, the gate is in existence, and I was able to pass through it. While the track is not within the red line of the appeal site, there is no particular evidence that access to it will cease to be available in the future.
9. Several examples of planning applications where flats have been created from individual dwellings within Enfield Borough, have been submitted with the appeal. These applications provide either no garden space, or in some cases the garden space has been accessed from external footpaths outside the red line boundary, in seemingly, a similar way to the appeal case. Whilst I am not aware of the full details of these applications and whether they are directly comparable to the case in hand, there does appear to be several instances where it has been found acceptable to access the amenity space from outside the confines of the property.
10. Based on my visit to the site, it does not appear that this short stretch of track, which provides access to a number of properties that have gates leading onto it, was being used at that time for vehicles. Although young children may not be able to access it independently, the track is quite narrow, with no turning space, and so there would be no safety concerns about the occupiers of flat 2 using this route to access their garden space. While the separation from the house may discourage use by future residents in wet or icy conditions, it is not clear that the garden would be heavily used in this situation for recreational or functional activities such as clothes drying.
11. In conclusion, the proposed conversion of the house would provide garden space for both flats which is larger than is required by policy. Consequently, the living conditions of the occupiers of flat B would not be harmed, as appropriate outdoor amenity space would be available to them. The proposal would therefore accord with Policies DMD 8 and DMD 9 of the Enfield Development Management Document (DMD), 2014, and Policy D6 of The London Plan (LP), 2021.

## **Other Matters**

12. Despite concerns from a third party regarding the conversion of No 6 from a 3-bedroom family home to flats, as it is reputed to be the only one in the road, and as it would have both a 3-bedroom and a 2-bedroom unit, it would not result in a net loss of family accommodation in the area. It would therefore accord with Policy DMD 5b of the DMD. The proposed design would reflect the style of the existing dwelling and wider neighbourhood and, in the absence of any particular concern from the Council as to these matters, I find that the character and appearance of the locality would be preserved.
13. The proposal would be single storey on the boundary between Nos 6 and 8 Dell Road, replacing a conservatory that is already sited there. It would also not extend further forward than the single storey rear extension on the building at No 8. The proposed 1<sup>st</sup> floor extension on the rear of No 6 would be sited on the opposite side of the house to No 8. Consequently, the proposal would not result in any overlooking into No 8, and because of the fencing around the proposed garden areas, privacy between the properties and levels of light to the neighbours would remain acceptable.
14. Despite neighbour concerns, there is adequate room on site for the parking of vehicles for two dwellings. Other issues expressed in relation to car use in the area are a neutral matter in this appeal.

## **Conditions**

15. The Council has suggested conditions if the appeal was to be allowed. In addition to the standard time limit, a condition listing the plans is necessary in the interest of certainty. Policies DMD51 and DMD58 of the DMD require energy and water efficiency measures to be incorporated into new development, whilst Policy D7 of the LP requires a proportion of dwellings to be accessible. Conditions 3 and 7 respectively are necessary to secure these aims.
16. Conditions 5 and 6 relating to external materials and boundary treatments are necessary in the interests of the character and appearance of the area and condition 8 requiring the laying out of private gardens is necessary to secure satisfactory living conditions. Conditions 4 and 9 relating to bin and bicycle storage are necessary to secure adequate facilities for future occupiers. As details have already been provided, I have not required the submission of further details.
17. The Council has also suggested a condition relating to surface water drainage, but, in the absence of substantive evidence to the need, and as there is an existing building on the site, I have not imposed such a condition. The amendments I have made to the Council's suggested list of conditions are in the interests of precision and clarity and to ensure compliance with the Framework.

## **Conclusion**

18. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

*M J Francis*

INSPECTOR

### Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in strict accordance with the approved plans: A100, A105, A106, A108, A109, A110, A111, A113 and A115.
- 3) The dwellings shall not be occupied until an Energy Statement detailing energy and water efficiency measures have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the occupation of the dwellings and thereafter retained in accordance with the approved details.
- 4) No dwellings hereby permitted shall be occupied until the refuse bin storage for both dwellings has been implemented. The approved details shall be carried out prior to the occupation of the dwelling and shall thereafter be retained in accordance with the approved details.
- 5) No development shall commence above foundation level until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples and thereafter retained as such.
- 6) No boundary treatments shall commence until details of the boundary treatment hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out and retained in accordance with the approved details.
- 7) The ground floor part of the development shall be carried out so as to meet the standards of category M4(2) of Part M of the Building Regulations or any equivalent standard in any regulations revoking or replacing those Regulations.
- 8) Before the dwellings are occupied, the garden space shall be laid out in accordance with Drawing A105, including the construction of a 1.8 metre close boarded timber fence separating the garden space for flat A, shown as 'rear garden', from that for flat B, shown as 'rear garden first floor flat'. The garden space shall be accessible at all times and shall not thereafter be used for any purpose other than as garden space for the flats indicated on the drawing.
- 9) No dwellings shall be occupied until the cycle storage for both dwellings has been implemented. The approved details shall be carried out prior to the occupation of the dwelling and shall thereafter be retained in accordance with the approved details.