



Appeal Decision

Site visit made on 12 April 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 May 2023

Appeal Ref: APP/Q5300/W/22/3304827
131A Chase Side, Enfield EN2 6NN

- 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 Mark Vernazza against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/03547/FUL, dated 13 September 2021, was refused by notice dated 26 July 2022.
 - The development proposed is described as 'change of use from B1a warehouse/storage to C3 residential. Demolition of existing warehouse and construction of 2x2 bed flats including loft with rear dormer.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of occupiers of neighbouring properties;
 - Whether the proposal would provide suitable living conditions to future occupiers;
 - Whether the proposal includes suitable arrangements for bicycle parking and refuse storage/collection;
 - The effect of the proposal on flood risk and drainage;
 - Whether the proposal includes adequate sustainable construction measures.

Reasons

Character and Appearance

3. The appeal site comprises an end-terrace property with a flat roof and single storey side and rear extensions. The building is part of a terrace of four dwellings although its historic use has been of warehousing and/or storage and its appearance is a departure from those buildings to which it is attached. The proposal seeks a change of use to residential, partial demolition and erection of extensions to the side, rear and roof to facilitate the creation of two two-bed

flats. One of these would be arranged on the ground floor while the other unit would be at first and second storey level.

4. The local area is of mixed residential and commercial uses with a variety of architectural styles. The buildings of the host terrace along with those fronting Nunn's Road and Chase Side are two storeys with rear outriggers extending towards the same rear 'block'. These extensions generally have either pitched or flat roofs and cover roughly half of the rear width of their host properties. Some of these properties have also been extended at roof level while others have single storey ground floor extensions filling the gaps between outriggers.
5. The rear extensions proposed for the host property would be two storeys covering slightly more than half the width of the rear elevation with a single storey infill extension. The two-storey element would reach the eaves of the host building and while its projection is deep, it would be a reduction on the existing depth of the extension which reaches the rear boundary of the site. As such, the massing of the rear projections would be similar to others in the host and adjacent terraces, while they would largely be screened from street level by built form. Moreover, I understand that the Council accepts the front elevational design and dormer roof.
6. Based on the above, the proposal would not harm the character and appearance of the local area. This would accord with policies DMD8 and DMD37 of the Enfield Development Management Document (DMD) (adopted November 2014), CP30 of the Enfield Plan Core Strategy 2010 – 2025 (CS) (adopted November 2010) and D3 and D4 of the London Plan (LP) (adopted March 2021). These seek to ensure development proposals are of an appropriate scale, bulk and massing among other things. The proposal would also accord with guidance in the National Planning Policy Framework (the Framework) which seeks through paragraph 130 to ensure proposals are sympathetic to local character.

Living Conditions – Neighbours

7. Policy DMD10 of the DMD states that new development should maintain a minimum distance of 11 metres (m) between windows and side boundaries. The Council advise that the flank wall of the two-storey extension would be within a range of 6.4m to 7.5m from the rear windows of No's 131b, 129b and 127a Chase Side. This would be a considerable shortfall and I note the appellant does not dispute that the proposal would breach the 11m distance. Due to the constraints of the site, the proposal in its current form would not be able to meet this separation distance required.
8. The height of the two-storey element would result in an expanse of unrelieved masonry within a short distance of windows of the aforementioned properties. This would cause the outlook for occupiers of these properties to be obscured by a sheer wall, causing an oppressive sense of enclosure via loss of outlook and harming their living conditions as a result.
9. Moreover, due to the new structure's position to the east I share the concern of the Council that the scale of the extension would cause an unacceptable loss of sunlight and daylight to the rear amenity spaces of the 131b, 129b and 127a Chase Side.

10. Taken together, the proposal would harm the living conditions of occupiers of adjacent properties with regards to loss of outlook and daylight/sunlight. This would be contrary to policies DMD8 and DMD10 of the DMD and CP30 of the CS which seek to ensure development proposals preserve amenity in terms of daylight, sunlight and outlook, among other things. The proposal would also be contrary to paragraph 130 of the Framework which advises that developments ensure a high standard of amenity for existing and future users.

Living Conditions – Future Occupiers

11. The proposal includes a rear external courtyard area which would be for the exclusive use of occupiers of the ground floor flat. There is no amenity space provided for the first/second floor flat. This would be contrary to policy DMD9 of the DMD, which states that for a two-bed, four-person dwelling without access to communal amenity space there should be a minimum of 23 square metres of private amenity space.
12. Policy D6 of the LP requires a floor to ceiling height of at least 2.5m for 75% of the Gross Internal Area of each dwelling. The Council states that only two rooms of flat one would meet this height requirement while the loft room of flat two would fall significantly below 2.5m, with that room representing 31% of the area of the total unit space. There is nothing before me from the appellant to indicate that the units would meet the minimum ceiling height requirements of the LP and as such I must conclude based on the evidence before me that the proposal would be deficient in this regard.
13. I note the concern of the Council with regards to gross internal area of floor spaces provided for both units and whether these meet the standards required by the LP. However, I have no substantive information on this matter from either of the main parties. As I am dismissing the appeal on other matters, I have not considered this further, although that does not mean the proposal is acceptable in this regard.
14. To conclude on this main issue, the proposal would not provide prospective future occupiers of the proposed dwellings with suitable living conditions with regards to floor to ceiling heights and private amenity space for flat two. This would be contrary to policies DMD8 of the DMD, CP4 of the CS and D6 of the LP. These seek, among other things, to ensure proposals meet or exceed minimum space standards in the London Plan and provide high quality amenity space as part of the development in line with DMD 9. The proposal would also be contrary to the advice in paragraph 130 of the Framework, which advises that developments ensure a high standard of amenity for existing and future users.

Bicycle Parking and Refuse Storage/Collection

15. The proposed ground floor plan (Drawing No. ATAC.CS.21.3) demonstrates separate spaces for bike parking and bin storage in the front areas of the two units. The front garden of unit one would be significantly larger than that serving the first/second floor unit and would likely have sufficient room to accommodate both.
16. Although generally speaking further details for both bike parking and refuse storage/collection could be secured by condition if a development was granted permission, the space available to accommodate both cycle parking and refuse

storage for unit two is very constrained in the small front yard area. As such, a condition would be unlikely to be reasonable given there may not be enough space available. As such, this would not meet the requirements of the development plan for either consideration.

17. Based on the foregoing, the proposal would not provide suitable arrangements for bicycle parking and refuse storage/collection, contrary to policies DMD8 and DMD45 of the DMD, CP24 of the CS and SI7, SI8 and T5 of the LP. These seek, among other things, to secure the provision of appropriate levels of cycle parking and the safe and functional provision for refuse collection.

Flood Risk and Drainage

18. Policy DMD61 of the DMD states that a Drainage Strategy will be required for all developments to demonstrate how proposed measures manage surface water as close to its source as possible and follow the drainage hierarchy in the London Plan. All developments must maximise the use of and, where possible, retrofit Sustainable Drainage Systems (SuDS) which meet the given requirements.
19. There is no Drainage Strategy included with the proposal and I have scant detail on whether the proposal would meet the requirements for surface water drainage. This is a policy requirement and I have no reason to disagree that it should accompany the proposal. The site is in flood zone 1 which would be the lowest risk. However, other than reference to 'possible' provision of rainwater harvesting, I have nothing substantive on this matter before me.
20. Based on the foregoing, the evidence is lacking such that I cannot be certain that this issue could be reasonably dealt with by a condition. Accordingly, the appellant has not demonstrated that the proposal would manage the risk of flooding due to surface water run-off or that it would comply with policies DMD59, DMD60, DMD61 and DMD62 of the DMD, CP28 of the CS and SI13 of the LP. These policies seek to assess and, where necessary, prevent, manage or mitigate flood risk on and off-site, among other things. The proposal would also be contrary to the Framework paragraph 167 which advises local planning authorities should ensure that flood risk is not increased elsewhere, and that development should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

Sustainable Construction

21. Policy DMD49 of the DMD states that all development will be required to include measures capable of mitigating and adapting to climate change to meet future needs having while regard to technical feasibility and economic viability. All planning applications must be accompanied by a Sustainable Design and Construction Statement (SDCS), to demonstrate compliance with Development Plan policies in accordance with the details set out in Appendix 3: Sustainable Design and Construction Statement.
22. I have not been furnished with an SDCS and there is little information on how the proposal would achieve the necessary approach to sustainable construction measures. Although this information may have been appropriate to secure by planning condition attached to any approval, this is not an option given I am dismissing the appeal. Moreover, there is nothing before me to indicate how likely the construction of the proposal would be to achieve these targets and

any changes could feasibly be of such a scale that the design may need far ranging changes. As such I see no reason to negate the requirement for an SDCS and while some details could be part of the building regulations process, there is a policy requirement as part of the planning application assessed against the development plan regardless.

23. Based on the foregoing, the evidence is lacking such that I cannot be certain that this issue could be reasonably dealt with by a condition. Accordingly, the appellant has not demonstrated that the proposal would meet the requirements of policies DMD49 and DMD51 of the DMD, CP20 of the CS and SI2 of the LP. These policies seek to ensure all new development must achieve the highest sustainable design and construction standards having regard to technical feasibility and economic viability while also being required to demonstrate how the proposal minimises energy-related CO² emissions.

Other Matters

24. The appellant has expressed frustration with the Council's handling of the planning application, including the lack of communication and pre-application advice. Be that as it may, it is not my role to mediate on this matter and this does not alter my assessment of the proposal.

Conclusion

25. Whilst I acknowledge there was no objection by the Council in principle to converting the building to residential use, a lack of harm does not weigh in favour of the scheme. Consequently, the proposal would not accord with the development plan when considered as a whole and the evidence does not indicate a decision other than in accordance with the development plan would be justified. For the reasons given above, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR