



Appeal Decision

Site visit made on 7 June 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2023

Appeal Ref: APP/Q5300/W/23/3315567
272 St Marys Road, Edmonton N9 8NP

- 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 Dr Mittal against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/01739/FUL, dated 7 June 2022, was refused by notice dated 24 November 2022.
 - The development proposed is a roof conversion with the erection of a single dormer to create an additional 1-bedroom (1 person) dwelling.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to living accommodation, outlook and private amenity space.

Reasons

3. The proposal is to convert, extend and alter the roof space above an existing first floor residential unit at the appeal property for use as a new 1-bedroom self-contained flat. The new flat would be occupied by 1-person.
4. There would be limited headroom around the perimeter of the new flat due to the sloping roof. While a person of average height or above would be able to comfortably stand within a central corridor running beneath the ridgeline, some space within the bedroom and the lounge, kitchen and dining room would have restricted head height. This arrangement would reduce the amount of useable space in the main habitable rooms of the new flat. The effect of the sloping roof would also make these rooms feel confining and uninviting to users.
5. Both main parties agree that the proposal would exceed the minimum internal floorspace standard for a 1-person 1-bedroom dwelling set out in The London Plan (LP). The appellant also states that at least 75% of the gross internal area (GIA) of the floorspace provided would achieve a minimum floor to ceiling height of 2.3m, as required by the Technical Guidance. LP Policy D6, which forms part of the development plan, has a slightly different requirement. It states that the floor to ceiling height must be 2.5m for at least 75% of the GIA of each dwelling. Even if the new flat also achieves this requirement, which is a minimum, the areas of living space provided with a head height below this

threshold would disproportionately affect the habitable rooms. The practical effect of this arrangement is that the main areas of the new flat where users would be expected to spend most of their time would feel unduly cramped.

6. A new rear dormer would be inserted onto the rear roof slope of the host building that would provide the sole outlook from the bedroom of the new flat. The outlook from the dormer would be severely restricted for most adults given the low-level position of the window in relation to the floor level of the room. The overall effect of the poor external outlook from the bedroom would exacerbate the unpleasant conditions for future occupiers primarily caused by the sloping roof. That a Velux Cabrio roof balcony would be introduced onto the front roof slope of No 272 would not provide appropriate mitigation because it would serve a different and separate part of the new flat.
7. The Council is also critical of the appeal scheme in failing to provide good quality private amenity space (PAS) as required by LP Policy D6 and Policy DMD 9 of the Council's Development Management Document (DMD). However, this arrangement would be no different to the occupiers of the existing first floor flats in the same terrace of the proposal. While clearly not ideal, I share the opinion of the Council's Officers that the lack of PAS would not in itself be sufficient to withhold planning permission.
8. Nevertheless, I conclude on the main issue that the proposal would not provide satisfactory living conditions for its future occupiers. As such, it conflicts with LP Policy D6, Core Policies 4 and 30 of The Enfield Plan Core Strategy 2010-2025 and DMD Policies DMD 5 and DMD 8. These policies seek to ensure that new residential development provides a high-quality form of accommodation with a well-designed, comfortable and functional layout. It is also at odds with the National Planning Policy Framework (the Framework), which notes that development should achieve a high standard of amenity for all users.
9. Reference is made to the Council's decision to grant planning permission to convert an existing residential unit into 2 flats at 262A Nightingale Road. However, this development was approved in 2008 and so it predates the current policies of the development plan and the Framework against which the proposal must be assessed. As the decision at No 262A is therefore not directly comparable with the proposal before me, I attach limited weight to it in support of the appeal.
10. I note that the application was recommended for approval with conditions. While I have taken this recommendation into account, I considered the proposal afresh and on its own planning merits, as I am required to do.
11. The Council states that it is unable to demonstrate a 5-year supply of deliverable housing sites and so paragraph 11d of the Framework is relevant. This states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. The proposal would contribute one unit to the Council's existing residential stock, which carries policy support and weighs significantly in favour of the appeal scheme. It would make efficient use of the available space within an existing property that might otherwise be left vacant. The appellant also states

that the proposal would provide an affordable first-time home. These considerations weigh in support of the appeal scheme.

13. The living conditions of others would not be harmed if the new development were to proceed. There would be no adverse effects on the character and appearance of the local area, traffic or highway safety. The existing first floor flat at No 272 would remain in residential use if the appeal scheme were to proceed. Since these factors neither weigh for or against the proposal, they are neutral in weight.
14. Nevertheless, the policy support given to providing new homes is not unqualified. Paragraph 119 of the Framework states that planning decisions should promote an effective use of land in meeting the need for homes, while ensuring safe and healthy living conditions. LP Policy D6 states that housing development should provide adequately sized rooms with comfortable and functional layouts that are fit for purpose. DMD Policy DMD 8 states that new residential development must preserve amenity in terms of outlook, amongst other things.
15. In this case, the proposal would not provide satisfactory living conditions for future occupiers, which weighs very heavily against the development sought. Consequently, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Conclusion

16. For the reasons given above, having considered the development plan and the policies in the Framework, as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR