



Appeal Decision

Site visit made on 25 September 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/Q5300/W/23/3319541

5 Palmerston Crescent, Enfield, Southgate N13 4UE

- 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 Jason Haree, Zako Properties Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 22/03649/FUL, dated 25 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is conversion of the existing house into 3 residential units (1x 1 bedroom, 1x 2 bedroom and 1x 3 bedroom)
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing house into 3 residential units (1x 1 bedroom, 1x 2 bedroom and 1x 3 bedroom) at 5 Palmerston Crescent, Enfield, Southgate N13 4UE in accordance with the terms of the application, Ref 22/03649/FUL, dated 25 October 2022, subject to conditions set out in the attached schedule.

Preliminary Matters

2. The Council has queried whether the extensions granted under previous prior notification and lawful development certificate applications, including the single storey rear extension and rear dormer, have been built. I observed on my site visit that these extensions have been constructed.
3. At the time of my site visit I also noted that internal works have been undertaken in respect of the proposed conversion, and these works were not entirely consistent with the proposed floor plans. Nevertheless, I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues are whether the proposal would:
 - result in the excessive clustering of residential conversions, having regard to the residential character of the area;
 - provide appropriate internal living conditions for future occupiers of the proposed lower floor flat with regard to outlook, ventilation, daylight and sunlight in the kitchen, and of the top floor flat with regard to floorspace;
 - provide appropriate levels of outdoor amenity space for the upper floor flats;
 - effect the provision for family accommodation; and

- make adequate provision for car and cycle parking.

Reasons

Clustering of residential conversions

5. Criterion (b) of Policy DMD5 (Residential Conversions) of the Enfield Development Management Document (2014) (DMD) seeks to ensure that the conversion of existing units into self-contained flats does not harm the residential character of the area, or result in an excessive number, or clustering of conversions. This policy seeks to limit the number of conversions in an area, requiring that i) conversions must not exceed 20% of all properties along any road; ii) only 1 out of a consecutive row of 5 units may be converted.
6. I have not been provided with the details of the overall number of conversions on Palmerston Crescent and thus have no evidence as to whether the number of conversions on this road exceeds 20% of all properties. There is however a discrepancy between the parties in respect of the number of properties that have been converted into flats within the immediate vicinity of the appeal site.
7. The Council has stated that number 9 has been converted into two flats, and also that the Valuation Office Agency website shows that for the purposes of Council Tax number 7 has been converted into two flats.
8. The appellant claims that the planning register reveals that numbers 9, 11 and 13 all benefit from planning permission for conversion into self-contained flats, but whilst number 7 may have been converted to two flats for the purposes of Council Tax, the use of number 7 remains as a single dwellinghouse for planning purposes.
9. With regard to the appellant's comments, whilst there may be no planning record of number 7 being converted into two flats, I do not agree that this necessarily means that it is a single dwellinghouse for planning purposes, as the conversion may be a lawful use through the passage of time. Furthermore, I consider Council Tax records to be a reliable source of information in respect of the use of properties.
10. As such, on the balance of probabilities and evidence before me, I consider that at least one of this row of five properties has already been converted to flats, and moreover it is likely that numbers 7, 9, 11 and 13 have all been converted to flats.
11. I therefore conclude that the proposed conversion of the appeal property into 3-self contained flats would be contrary to criterion (b) of Policy DMD5 of the Enfield DMD, as it would likely result in more than one property, within this row of five, being used as flats.
12. Nevertheless, whilst the proposal would be contrary to Policy DMD5, the resulting harm would be limited given my findings that a number of properties in this consecutive row of five have already been converted into flats, with potentially as many as four of the existing properties (numbers 7, 9, 11 and 13) all likely to be in use as flats. The result is that this section of Palmerston Crescent has already been subject to significant change in character away from family dwellings to flats. As such, I conclude that the conversion of the appeal property into three flats would not unduly harm or alter the existing residential

character of the area, and thus the harm arising from the conflict with criterion (b) of Policy DMD5 would be limited.

Internal living conditions

13. The 3-bedroom flat (Flat 1) would be split over two levels with two bedrooms located at ground floor level (street level), and the third bedroom, bathroom, living and kitchen areas all situated at lower ground floor level. The living room and third bedroom would provide the occupiers of this flat with direct and exclusive access to the rear garden area.
14. The kitchen would be accessed via a short set of steps down from the living room and would not include any windows. The Council state that a kitchen is a habitable room and consequently the lack of natural light, outlook and ventilation for this room would result in poor quality accommodation for future occupiers.
15. I have not been provided with any policy or guidance to state that a kitchen is a habitable room and thus this issue is somewhat of a planning judgement. However, in this case the kitchen is accessed through an opening directly off the living room and I observed on site that the kitchen area borrows acceptable levels of daylight from the open living room area, which itself is served by a glazed door and two large rooflights. As such, whilst the kitchen does not have a window it would receive sufficient daylight from the adjoining living area.
16. With regard to outlook, whilst the kitchen would not be provided with a direct view outside, there would be a longer distance view from some areas of the kitchen out towards the rear garden through the door in the rear elevation of the living area. In terms of ventilation, this could be provided mechanically without the requirement for a window. Furthermore, it is clear from the layout that the kitchen would not be used as a dining area. Thus, I consider that the kitchen arrangement for Flat 1 to be adequate.
17. The Council have stated that the plans for the upper floor studio flat (Flat 3) include a king-sized bed and therefore should this flat be used by two persons it would fall short of the required minimum space standards. I do not consider that the submitted plans showing a king-sized bed is sufficient evidence to suggest that this flat will be occupied by two persons and thus measuring 37m² this studio flat adheres to the minimum space standards for a one person flat.
18. In view of all the above, I conclude that the proposal provides an acceptable standard of internal living accommodation for all future occupiers in accordance with Policy D6 of the London Plan (2021), Policies CP4 and CP30 of the Enfield Core Strategy (2010) (CS) and Policies DMD5, DMD8 and DMD37 of the Enfield DMD. These policies seek to ensure, amongst other things, that development proposals are of a high design quality; provide a high quality form of accommodation; are suitable for the intended purpose; provide sufficient outlook, daylight and sunlight; and meet the minimum standards of accommodation.
19. Furthermore, in respect of this issue the proposal would also comply with paragraph 130(f) of the National Planning Policy Framework (the Framework) where it seeks to ensure development provides a high standard of amenity for future occupiers, and paragraph 134 in relation to the design of new development.

20. The Council's reason for refusal in relation to living conditions for future occupiers includes Policy CP5 of the Enfield Core Strategy. This policy relates to housing types and the mix of housing. The wording of this policy does not relate to matters of living conditions and therefore is not determinative in relation to this matter.

Provision of outdoor amenity space

21. With regard to outdoor amenity space, London Plan Policy D6 states that, where there are no higher local standards in the borough Development Plan Documents, a minimum of 5sqm of private amenity space should be provided for 1-2 person dwellings, and an extra 1sqm should be provided for each additional occupant. Policy DMD8 of the Enfield DMD requires new residential development to provide high quality amenity space in line with the requirements of Policy DMD9, which sets out a table of the requirements of the provision of outdoor amenity space for different dwelling types.
22. The parties disagree on the relevance of Policy DMD9 of the Enfield DMD in respect of the provision of outdoor amenity space for Flats 2 and 3, as these flats do not have access to communal amenity space. Nevertheless, the requirements of Policy DMD9 in respect of proposed Flats 2 and 3 would not exceed the requirements of London Plan Policy D6, which requires Flat 2 to be provided with 6m², and Flat 3 with 5m², of outdoor amenity space. As such the requirements of London Plan Policy D6 are either equal to, or exceed, the requirements of Policy DMD9 and therefore are the most relevant in the consideration of this issue.
23. Neither Flat 2 nor 3 would have access to any private outdoor amenity space at the appeal site. Consequently, the proposal is contrary to the requirements of Policy D6 of the London Plan which seeks to ensure that new residential development provide sufficient levels of, and high quality, private amenity space. Furthermore, the failure to provide outdoor amenity space for all residents would in part fail to adhere with paragraph 130(f) of the Framework where it seeks to ensure development provides a high standard of amenity for future occupiers.
24. Notwithstanding the above conflict, in this case residents would have access to nearby areas of public open space, most noticeable Broomfield Park, which is a short walk from the appeal site. As such, I consider the harm arising from the lack of outdoor amenity space for proposed Flats 2 and 3, and the conflict with the above policies, to be limited.

Provision of family accommodation

25. In respect of Flat 1, the Council's reason for refusal and Officer Report state that as a result of the poor quality of accommodation that would be provided within this three-bedroom flat, specifically the kitchen, the proposal would not provide compensatory provision for family accommodation (3 bedrooms +) as required by criterion (2a) of Policy DMD5 of the Enfield DMD.
26. For the reasons detailed earlier in this decision letter, I have concluded that the kitchen provided within Flat 1 to be acceptable and thus the proposal would provide compensatory provision, by way of a 3 bedroom flat, for family accommodation in accordance with Policy DMD5 of the Enfield DMD.

Car parking and cycle provision

27. The appeal proposal would convert an existing dwelling house into three flats, providing a mix of 1, 2 and 3 bedrooms, increasing the demand for car parking at this site, which is not within a Controlled Parking Zone (CPZ). The Council have commented that a transport assessment and parking survey have not been undertaken, as detailed within the supporting text of Policy DMD45 of the Enfield DMD, and as a consequence insufficient information has been provided in relation to car parking.
28. Whilst I acknowledge the comments of the Council in relation to the supporting text of Policy DMD45, the policy wording states that car parking proposals will be considered against the standards set out in the London Plan and other factors including Public Transport Accessibility Level (PTAL), the scale and nature of the development, existing parking pressures and accessibility to amenities.
29. In respect of these matters, the Council has detailed that the maximum parking standards referred to in the London Plan would allow for a maximum of 2-off street parking spaces to be provided. However, no off-street parking provision is proposed, and the appellant has stated that the development would be 'car-free'.
30. As the appeal site is not within a CPZ, residents of the proposed development would be free to park on Palmerston Crescent, as it is a public highway, and thus it is unclear how a 'car-free' development could be controlled and enforced in this location.
31. Nevertheless, the parking standards within the London Plan are a maximum and the Council's Officer Report highlights that an appropriate balance needs to be found between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use. Additionally, Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport.
32. In this case the appeal site has a PTAL 4 rating which indicates that the access to public transport links is good, and therefore occupiers of the proposed flats would not necessarily require their own car. The appeal site is also located within walking distance of a number of shops and convenience stores for everyday items.
33. In terms of the scale and nature of development, proposing three flats with a combined total of 6 bedrooms, and requiring a maximum of two off-street car parking spaces, the proposal is small scale.
34. With regard to existing parking pressures, whilst no surveys have been provided, during my site visit I observed that there were a number of cars parked in the forecourt areas to the front of neighbouring properties, as well as reasonable levels of parking taking place on the street. However, I observed there were also a number of available spaces on the street for additional cars to park and as such, whilst the road was relatively busy with parked cars, there were spaces available for additional parking.
35. I am aware that my site visit was a single snapshot in time, and parking levels may fluctuate at different times during the day. Nevertheless, I consider that

the level of overspill parking arising from this development would be low, and in any case the established use as a family dwelling would likely result in some on-street parking.

36. Furthermore, and as detailed above, I consider the site to be located within a sustainable location with access to various services and public transport links, and thus consider the provision of no off-street parking spaces to be acceptable in this case.
37. In light of the above, I conclude that the proposal makes adequate provision for car parking. As such, in respect of the issue of car parking, the proposal complies with Policy T6 of the London Plan and Policies DMD5, DMD8, DMD37, and DMD45 of the Enfield DMD, insofar as they together require, amongst other things, car-free development to be the starting point; new development to be considered against the parking standards in the London Plan; car parking to be restricted, in sustainable locations that are well connected and accessible by public transport; and incorporate adequate parking provision.
38. In accordance with the London Plan standards for cycle parking, this development is required to provide at least 5no. secured cycle spaces for the flats (2 x spaces for both Flats 1 and 2; and 1 x space for Flat 3). The submitted plans show a bike store would be provided within the front forecourt area for the parking of three bikes, which would serve Flats 2 and 3, and a bike store in the rear garden to provide 2 x spaces for Flat 1.
39. Concerns have been raised that the proposed cycle parking is substandard and that there is no access to the rear garden area, except through the building. Whilst the rear garden area does have an external gate, this appears to lead out directly onto land where it is unclear whether residents of Flat 1 would have a right of access to take bikes over this land and out onto the public highway.
40. From my observations on site, I consider that there is potential for the front forecourt area to accommodate 5 x cycle storage spaces, as well as refuse bins. However, I have not been provided with any definitive evidence to suggest that 5 x cycle storage spaces, and bins, could be stored within that area. As such details of location of the cycle storage provision could be secured by condition.
41. Nevertheless, in the scenario whereby 5 x cycle storage spaces cannot be provided in the front forecourt area, as detailed earlier the submitted plans show that three cycle spaces could be provided at the front, and two cycle spaces, for proposed Flat 1, could be provided to the rear. I acknowledge that this would provide the required level of cycle storage spaces within the appeal site and therefore would be in broad compliance with Policy T5 of the London Plan. However, the quality of this cycle parking provision is not ideal as it would require the bicycles stored at the rear to be transported internally through Flat 1, through narrow doors and over stairs.
42. In view of the above, whilst the proposal can provide the required level of cycle parking provision in terms of numbers, for the reason detailed above I conclude that the proposal has not demonstrated that appropriate quality cycle parking provision can be provided within the appeal site for all proposed flats.

43. As such, in respect of the issue of cycle parking, the proposal would not fully accord with Policy T5 of the London Plan, Policy CP30 of the Enfield Core Strategy and Policies DMD5, DMD8, DMD37, DMD45 and DMD47 of the Enfield DMD, insofar as they together require, amongst other things, development to include the appropriate and adequate provision of cycle parking, ensure cycling is a realistic travel choice, and promote sustainable neighbourhoods and sustainable modes of transport.
44. Notwithstanding the above conflict however, as detailed above, the proposal can provide the policy required number of cycle parking spaces within the development site. As such, I consider the harm arising from the potential quality of the cycle provision for Flat 1, and the resulting conflict with the above policies in this regard, to be limited.

Planning balance

45. The Council have confirmed that they do not currently meet the Housing Delivery Test and consequently paragraph 11(d) of the Framework should be applied.
46. Paragraph 60 of the Framework refers to significantly boosting the supply of housing provision and the delivery of two additional dwellings in a sustainable location is a social benefit arising from this proposal, as well as positively contributing to the Council's housing land supply. Economic benefits would also likely arise from employment during the conversion works, and occupation of the new units through additional expenditure in the area. Environmental benefits would arise from making effective use of land.
47. The harms that I have identified arising from the proposal are firstly, the conflict with criterion (b) of Policy DMD5 of the Enfield DMD, as a result of the excessive clustering of conversions in this area. Secondly, the lack of private outdoor amenity space for Flats 2 and 3 which is contrary to the requirements of Policy D6 of the London Plan, and Policies DMD8 and DMD9 of the Enfield DMD, as well as paragraph 130(f) of the Framework where it seeks to ensure development provides a high standard of amenity for future occupiers. Thirdly, it has not been demonstrated that the quality of cycle parking for Flat 1 would fully accord with Policy T5 of the London Plan, Policy CP30 of the Enfield Core Strategy and Policies DMD5, DMD8, DMD37, DMD45 and DMD47 of the Enfield DMD.
48. For the reasons detailed earlier in this decision, I have found that the harm arising from the above conflicts to be limited and therefore in the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits I have identified when assessed against the policies in the Framework taken as a whole.
49. Therefore, the proposal constitutes sustainable development in the context of the Framework and this is a material consideration which outweighs the limited conflict I have found with the development plan when taken as a whole, and points towards the grant of planning permission.

Conditions

50. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 56 of the Framework, and advice contained in the Planning Practice Guidance.
51. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). A condition requiring details of the cycle storage facilities to be provided within the site has been included to support the use of sustainable modes of transport (3). Furthermore, a condition requiring details of the bins storage and recycle facilities to be submitted has been attached (4). This condition is necessary in the interest of visual amenity and to ensure the proposal supports the Council's waste reduction targets.
52. A condition requiring the submission of an Energy Statement has been attached (5), along with a separate condition requiring the submission of an Energy Performance Certificate (6). These are both required to reduce CO2 emissions. I have also included a condition requiring details of the internal consumption of potable water to be submitted (7). This condition is necessary to reduce and conserve water consumption at the development site.
53. A condition requiring the submission of a scheme for the disposal of surface water has been included, and this is necessary in order to reduce the risk of flooding at the site (8).

Conclusion

54. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

R Major

INSPECTOR

Schedule of Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1044-023; 1044-A105 P3; 1044-A110 P3; 1044-A115; 1044-A210 P4; 1044-A310 P4; 1044-A410 P1; 1044-A510 P4; 1044-A520 P4; 1044-A610 P2; 1044-A530; 1044-B111; 1044-SPEC-2.
3. Notwithstanding the details shown on the approved plans and the requirements of condition 2, the development hereby approved shall not be occupied until details of the siting, number and design of secure / covered cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided on site in accordance with the approved details prior to first occupation of the development and retained as such thereafter.
4. Notwithstanding the details shown on the approved plans and the requirements of condition 2, the development hereby approved shall not be occupied until details of refuse storage facilities, including facilities for the recycling of waste to be provided within the development, in accordance with the Enfield Council's Waste and Recycling Planning Storage Guidance, have been submitted to and approved in writing by the Local Planning Authority. The refuse storage facilities shall be provided on site in accordance with the approved details prior to first occupation of the development and retained as such thereafter.
5. The development hereby approved shall not be occupied until an Energy Statement confirming the CO₂/yr (using SAP 10) reduction over Part L of Building Regulations (2021) has been submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall follow the GLA's Energy Assessment Guidance, the 'be lean, be clean, be green' reduction hierarchy set out in the London Plan (2021) and aspire to achieve a 35% reduction over Part L of Building Regulations (2021). The Energy Statement shall include a detailed feasibility analysis of renewable energy technologies, including assessment of heat pumps as a feasible option for the building. The renewable energy technologies included in the Energy Statement shall be incorporated into the development and installed in accordance with the recommendations of the Energy Statement prior to first occupation of the development and retained as such thereafter.
6. The development hereby approved shall not be occupied until a final Energy Performance Certificate has been submitted to and approved in writing by the Local Planning Authority. Where applicable, a Display Energy Certificate shall be submitted to the Local Planning Authority within 18 months following first occupation of the development.

7. The development hereby approved shall not be occupied until details of the internal consumption of potable water have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate reduced water consumption through the use of water efficient fittings, appliances and recycling systems to show consumption equal to or less than 105 litres per person per day for the residential uses. The development shall be implemented and operated in complete accordance with the approved details and retained as such thereafter.
8. Notwithstanding the details shown on the approved plans and the requirements of condition 2, the development hereby approved shall not be occupied until a Sustainable Drainage Strategy (SuDS) has been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the disposal of surface water by means of a sustainable drainage system in accordance with the principles as set out in the Technical Guidance to the National Planning Policy Framework and should be in line with the Council's Development Management Document Policy SuDS Requirements. The submitted strategy:
 - a) Shall be designed to a 1 in 1 and 1 in 100 year storm event with the allowance for climate change;
 - b) Shall follow the SuDS management train and London Plan Drainage Hierarchy by providing a number of treatment phases corresponding to their pollution potential;
 - c) Should maximise opportunities for sustainable development, improve water quality, biodiversity, local amenity and recreation value;
 - d) Shall ensure the system is designed to allow for flows that exceed the design capacity to be stored on site or conveyed off-site with minimum impact;
 - e) Shall ensure clear ownership, management and maintenance arrangements are established; and
 - f) Shall include levels, sizing, cross sections and specifications for all drainage features.

The development shall be implemented and operated in accordance with the approved SuDS and retained as such thereafter.

*****END OF CONDITIONS*****