



Appeal Decision

Site visit made on 19 October 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/Q5300/W/23/3318121

Garages, Dysons Road, London N18 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Philip Heaton against the decision of the Council of the London Borough of Enfield.
- The application Ref 22/03940/CND, dated 23 November 2022, sought approval of details pursuant to condition Nos 3 and 7 of a planning permission Ref 22/00804/FUL granted on 6 May 2022.
- The application was refused by notice dated 28 February 2023.
- The development proposed is described on the decision notice for planning permission Ref 22/00804/FUL as "*Demolition of existing block of garages and redevelopment of site with 2 Nos. 3- storey terrace dwelling houses and solar panels on roof.*"
- The details for which approval is sought are condition Nos 3 and 7, which are set out as follows:
 - 3) *Prior to above ground works samples of all materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority. The samples must be through detailed photographs and clear specification/description of the materials with annotations/indications of where they would be placed on the hereby approved building. The development shall then be implemented in accordance with the approved details and permanently maintained as such.*
 - 7) *The hereby approved development 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 approved details shall thereafter be installed and permanently retained for cycle parking.*
- The reasons given for the conditions are:
 - 3) *To ensure a satisfactory appearance.*
 - 7) *To ensure the provision of cycle parking spaces in line with the Council's adopted standards.*

Decision

1. The appeal is allowed, and the details submitted pursuant to condition Nos 3 and 7 attached to planning permission Ref 22/00804/FUL granted on 6 May 2022 in accordance with the application dated 23 November 2022 and the details submitted with it are approved.

Applications for Costs

2. An application for costs has been made by Mr Philip Heaton against the Council of the London Borough of Enfield. This is subject to a separate decision.

Preliminary Matters

3. An update to the National Planning Policy Framework (the Framework) was published on 19 December 2023 but there are no material changes relevant to the substance of the appeal.

Background and Main Issue

4. The reason for refusal listed in the Council's decision notice refers only to the details submitted pursuant to condition No 7. The Council's officer report confirms that the details submitted in relation to condition No 3 are acceptable and I have no evidence to suggest that a contrary view should be taken. The main issue is therefore whether the submitted details of cycle parking meet the requirements of condition No 7.

Reasons

5. The approved planning permission relates to development comprising the construction of 2 houses. The approved drawing 'Site Plan Proposed Block Plan', listed on the decision notice for planning permission Ref 22/00804/FUL, sets out the approved ground floor layout of the 2 dwellings, including external areas. The approved drawing does not specify or indicate any areas for cycle parking. Based on the details submitted, I am not provided with any evidence that details of cycle parking, either in full or illustrative form, comprised part of the approved details.
6. Condition No 7 does not specify how many or what type of cycle parking spaces should be provided, only that they must be secure/covered. The reason given for the imposition of the condition is to comply with the Council's adopted standards.
7. The development plan policies most relevant to the appeal are Policy DMD 45 of the Enfield Development Management Document – Adopted November 2014 (the DMD) and Policy T5 of the London Plan – March 2021 (the LP). The Council's decision notice also references Core Policy 25 of The Enfield Plan Core Strategy 2010-2025 – Adopted November 2010, although this relates primarily to the development of accessible routes for cyclists and pedestrians and does not appear directly applicable to the proposal.
8. Policy DMD 45 states that cycle parking should be provided in accordance with the standards set out in the LP. Policy T5 of the LP sets minimum cycle parking standards and requires cycle parking to be fit for purpose, secure and well-located. On developments of less than 5 dwellings, 2 spaces are required for all dwellings with more than 1 bedroom. Policy T5 also states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (LCDS).
9. The Council's officer report states that the proposal is not acceptable because it seeks only to provide storage for folding cycles. The Council's 'transport comments', submitted as part of the appellant's evidence, advise further reasons for the proposal being unacceptable, including that the cycle parking would be accessed through 3 gates / doors that would not meet a width of 1.2m, and that the nature of the proposals including vertical racks would not meet the requirements of the LCDS.

10. The submitted details show provision at each dwelling for the storage of 2 standard cycles. Although the Council has not explicitly responded to all points raised in the appellant's appeal submission, I have seen no evidence that the proposal would be for folding cycles. Furthermore, because the spaces would be provided internally within the dwellings, they would be secure and covered. As such, the submitted details would provide the amount of parking required by LP Policy T5. They would also provide the details required by the condition.
11. Although the LCDS is referenced by the LP, it does not form part of the development plan. Whilst I afford the LCDS some weight, it offers broad guidance in relation to the type of development subject to the appeal and I am not persuaded that the submitted details would conflict with its provisions.
12. As set out previously, the details submitted in relation to condition No 3 are not in dispute. For the reasons given above, I conclude that the submitted details of cycle parking meet the requirements of condition No 7 and ensure suitable provision in line with the Council's adopted standards in accordance with Policy DMD 45 of the DMD and Policy T5 of the LP, which seek, among other objectives, for development to promote sustainable travel through the provision of suitable cycling infrastructure. The details would also comply with the provisions of the Framework, which have similar aims.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

P Storey

INSPECTOR